Mr. DULSKI: Committee on Post Office and Civil Service. Report entitled "Postal Systems of the United States Armed Forces—Vietnam and the Far East" (Rept. No. 1391). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on manpower management in the Federal Government (Rept. No. 1392). Referred to the Committee of the Whole House on the State of the Union.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 15395. A bill to provide salary step advancements and adjustments for employees moving to and from different pay systems, and for other purposes; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee of Conference. H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes (Rept. No. 1394). Ordered to be printed.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 17354. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself, and Mr. BYRNES of Wisconsin):

H.R. 17324. A bill to extend and amend the Renegotiation Act of 1951; to the Committee on Ways and Means.

H.R. 17325. A bill to amend the Internal Revenue Code of 1954 with respect to advertising in a convention program of a national political convention; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 17326. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY:

H.R. 17327. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain uses of gasoline and lubricating oil; to the Committee on Ways and Means.

H.R. 17328. A bill to amend section 4481 of the Internal Revenue Code of 1954 to allow a credit against the truck use tax where the taxpayer, during the taxable period, disposes of a truck and acquires another truck; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 17329. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Illinois:

H.R. 17330. A bill to guarantee productive employment opportunities for those who are unemployed or underemployed; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 17331. A bill to provide for a comprehensive income maintenance program; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 17332. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain uses of gasoline and lubricating oil; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 17333. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

By Mr. HUNT:

H.R. 17334. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 17335. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 17336. A bill to amend title 10 of the United States Code to exempt reservists who are local law enforcement officers from active duty; to the Committee on Armed Services.

By Mr. MILLER of Ohio:

H.R. 17337. A bill to provide a comprehensive national manpower policy, to improve the Manpower Development and Training Act of 1962, to authorize a community service employment program, and for other purposes; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 17338. A bill to authorize the Secretary of Agriculture to make indemnity payments to honey producers for losses sustained by reason of the application of Government-approved insecticides on adjoining croplands; to the Committee on Agriculture.

By Mr. ST GERMAIN (for himself, Mr. TIERNAN, Mr. ANNUNZIO, Mr. EILBERG, Mr. DONOHUE, Mr. GONZALEZ, Mr. HICKS, Mr. CLARK, Mr. PEPPER, Mr. ROSENTHAL, Mr. KYROS, Mr. FRIEDEL, Mr. RIEGLE, Mr. CARTER, Mr. MATSUNAGA, Mr. DINGELL, Mr. BYRNE of Pennsylvania, Mr. DOW, Mr. HORTON, Mr. HATHAWAY, Mr. WALKER, Mr. QUILLEN, Mr. EDWARDS of California, Mr. NEDZI, and Mr. ST. ONGE):

H.R. 17339. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. CHARLES H. WILSON, Mr. DANIELS, Mr. REUSS, Mr. SISK, Mr. HELSTOSKI, Mr. MURPHY of New York, Mr. DENT, Mr. ADDABBO, Mr. O'NEILL of Massachusetts, Mr. ROYBAL, Mr. BINGHAM, Mrs. HANSEN of Washington, Mr. BEVILL, Mr. HOWARD, Mr. FLOOD, Mr. CONYERS, Mr. FEIGHAN, Mr. BUTTON, Mr. BROWN of California, Mr. POLANCO-ABREU, Mr. HALPERN, Mr. ANDERSON of Illinois, Mr. UDALL, and Mr. BURKE of Massachusetts):

H.R. 17340. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 17341. A bill to provide for the issuance of a special postage stamp honoring the 100th anniversary of professional baseball; to the Committee on Post Office and Civil Service.

By Mr. BARRETT (for himself, Mr. NIX, Mr. BYRNE of Pennsylvania, Mr. EILBERG, and Mr. GREEN of Pennsylvania):

H.R. 17342. A bill to authorize the Administrator of General Services to construct the foundation and substructure of a U.S. court house and Federal building at a certain site in Philadelphia, Pa.; to the Committee on Public Works.

By Mr. DONOHUE:

H.J. Res. 1275. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17343. A bill for the relief of Antonio Giaimo; to the Committee on the Judiciary.

By Mr. BLATNIK:

H.R. 17344. A bill for the relief of Nedeljko Korunic; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 17345. A bill for the relief of Catherine Maria Szonyi; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 17346. A bill for the relief of Carolina Messina; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 17347. A bill for the relief of J. Burdette Shaft; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17348. A bill for the relief of Angelo Conteduca and his wife Marianna Conteduca; to the Committee on the Judiciary.

H.R. 17349. A bill for the relief of Corazon Paca; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 17350. A bill for the relief of Filiberto Piciucco; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 17351. A bill for the relief of Sgt. Theodore J. Violissi; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 17352. A bill for the relief of Wincenty Bioniarz; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 17353. A bill for the relief of Elon Ting; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

317. Mr. HOSMER presented a petition of certain residents of the 32d Congressional District of California, who request enactment by Congress of legislation to have this administration stop, promptly and completely, giving aid in any form, directly or indirectly, to our Communist enemies, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, May 16, 1968*

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Dean W. Miller, minister, Palm Desert Community Presbyterian Church, Palm Desert, Calif., offered the following prayer:

O Lord our God, who rulest the world from end to end, and whose will is the good of all Thy sons and daughters under the sun, look in mercy upon us as we

raise our prayers to Thee for this good land in which our lot is cast.

We pray for the peace of the world. Our intercessions rise for the Paris conference seeking disarmament and peace, for our President and his Cabinet, the Members of Congress, and all who influence our Nation's policies. May they have an overarching sense of Thy providence, and the wisdom to know that where there is no spiritual vision the people perish.

O God, what we ask for ourselves we ask for all nations of the world. Forbid that we should think our country to be Thy favorite, or ourselves alone to be the object of Thy concern. We pray that every nation may seek the way that leads to peace; that human rights and freedom may everywhere be respected; and that the world's resources may be ungrudgingly shared. Hasten the day of abiding peace and justice for all. Make each one of us to be an instrument of Thy peace.

We ask it in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, May 15, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Flood Control of the Committee on Public Works be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

CHANGE OF REFERENCE

Mr. TALMADGE. Mr. President, S. 3165, to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to public bodies which upon sale by the Farmers Home Administration shall bear taxable interest, was referred to the Committee on Agriculture. It does not relate substantively in any way to any agricultural law but rather to a matter of taxation.

I therefore ask unanimous consent that the bill be referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate today.

Mr. KENNEDY of Massachusetts. Mr. President, reserving the right to object—and I have no intention to object—if I could have the attention of the distinguished Senator from Nebraska, I believe we are about to embark on a matter of considerable importance, a matter which has been given a great deal of time by many Members of the Senate, and it is of great concern to members of the committee.

As I understand, we entered into a consent agreement last evening about setting a definite time to vote this morning, at 9:30. This was done, as I understand, for the convenience of the Members of the Senate, so that they would have an understanding as to when we would vote and in order to give them a precise time.

The distinguished Senator from Nebraska and other Senators had not used all their time, and there might be a misunderstanding as to the time. We are all interested in a speedy and expeditious vote on this matter, but we are all interested, as well, in having at least some attention given to this matter by our colleagues. I would certainly hope that we would not delay the proceedings, but that we might ask for a live quorum.

Notice has been given to the Members of the Senate that we are going to vote at 9:30, and if we do not have a majority present at 9:30, the vote will not count, anyway. I believe we could expect to get a live quorum quickly, and we could proceed from that point, with the time running.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. DODD. Do I correctly understand the Senator to mean that until we get a live quorum, the vote will not take place?

Mr. KENNEDY of Massachusetts. As soon as we have a live quorum, the 20 minutes will begin to run.

Mr. DODD. I have no objection.

Mr. HRUSKA. I have no objection to that. In fact, I would encourage it. But it strikes me as a little inconsistent. Three minutes ago, three subcommittees were granted permission to meet, and now we ask for a live quorum. We should get together on this.

The ACTING PRESIDENT pro tempore. The last request for a subcommittee to meet has not been granted. Is there objection to the request?

Mr. KENNEDY of Massachusetts. I should like to have some indication, first, from the acting majority leader with respect to this matter, because it does not seem to me to make sense for us to vote at 9:30 and to grant such permission.

Mr. BYRD of West Virginia. The Senator says that it does not make sense to start voting at 9:30. This request was cleared with his office last evening, that we vote at 9:30.

Mr. KENNEDY of Massachusetts. I can understand that. It was cleared because, as I understood from the leadership, we are all trying to be reasonable. A great deal of time remained, and we are trying to expedite the proceedings of the Senate, and I am always willing to do that.

Mr. BYRD of West Virginia. So am I.

Mr. KENNEDY of Massachusetts. And I also expect, as all of us who are interested in this matter, the consideration from the leadership to which I believe any Member of this body it entitled.

Mr. BYRD of West Virginia. The Senator has had consideration from the leadership. The acting majority leader yesterday sent word to the Senator's office that we wanted to vote at 9:30 today, if it was agreeable with the Senator from Massachusetts; and I received word in reply that it was agreeable.

If the Senator from Massachusetts had wanted to institute a request for a live quorum this morning before having that vote, he could have made that request. He did not make the request, so I asked unanimous consent yesterday that the vote occur at 9:30, which would give the Senator from Massachusetts his 20 minutes, to be divided equally between him and the Senator who opposed his amendment.

Word was sent to all Senators to be on hand to vote at 9:30 a.m. I think if we are going to send word to all Senators to be on hand and vote at 9:30 a.m., we should keep our word.

I want to accommodate the Senator, work with him, and show him consideration, and I have done so. I did that yesterday when I asked, through an aide, if he was willing to vote at 9:30. It seems to me if he wanted a live quorum, that was the time to indicate his desire.

Mr. KENNEDY of Massachusetts. Everything that the Senator stated about inquiring of an aide is correct. I think all of us realize that in the press of business these things take place. Out of a matter of accommodation I felt at that time, as it was presented to my office, since there was a great deal of unfinished time, and to make it more convenient for Members of this body because they would not otherwise know whether the time was going to be used by the Senator from Nebraska, that it would be desirable to set a precise time.

My only request this morning is that prior to 9:30 we have a live quorum so that we could at least notify Senators

without delaying the Senate. As the Senator stated, Senators are on notice, and we are not interested in delay.

The ACTING PRESIDENT pro tempore. The Chair would like to suggest that the time is under control. There is only 20 minutes remaining. If the Senator from Massachusetts desires a quorum before the vote, under the rules of the Senate, he is entitled, after the close of debate, to call for a quorum, even though the hour of 9:30 arrives. Under the rules of the Senate there is always an inflexible rule that a Senator can call for a quorum before a vote.

Mr. KENNEDY of Massachusetts. But prior to that time, as I understand, one of the reasons for the calling of the quorum is to have the presence of at least some Members of the Senate.

The ACTING PRESIDENT pro tempore. The time is now running.

Mr. KENNEDY of Massachusetts. I would like to determine if there will be any kind of objection. I have no objection to having other committees meeting during the morning.

Mr. BYRD of West Virginia. Mr. President, may we have the Chair put the question on the unanimous-consent request?

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from West Virginia that the Permanent Subcommittee on Investigations of the Committee on Government Operations be permitted to meet during the session of the Senate?

The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I believe I had other requests.

The ACTING PRESIDENT pro tempore. The other requests had been agreed to.

Mr. BYRD of West Virginia. Both of them?

The ACTING PRESIDENT pro tempore. Yes.

Mr. BYRD of West Virginia. I understood the Chair to put only one request. I beg the pardon of the Chair.

The ACTING PRESIDENT pro tempore. The Chair put each request in order, and it was the last request with respect to which a reservation was made by the Senator from Massachusetts.

Mr. BYRD of West Virginia. Mr. President, I want to work with the Senator from Massachusetts, as I have already indicated. I tried to do that yesterday, and I thought we had an agreement. I am willing to suggest a request which I understand will meet with his approval. I have tried to do everything I could at all times to accommodate all Senators, and I want to do that now. However, I do not think we can have our cake and eat it, too. I think if we agree to something to take place on the following day, we should understand what we are doing and stick to that agreement so that other Senators are not inconvenienced.

Mr. President, I ask unanimous consent that a live quorum occur now, that when a quorum is established the 20 minutes which has been earlier agreed to on the amendment offered by the distinguished Senator from Massachusetts [Mr. KENNEDY], start running, and that at the close of that 20 minutes a vote occur on the perfecting amendment offered by the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 133 Leg.]

Bayh	Ellender	McIntyre
Boggs	Hansen	Metcalf
Byrd, W. Va	Hickenlooper	Miller
Church	Hruska	Nelson
Cooper	Kennedy, Mass.	Talmadge
Dirksen	Lausche	
Dodd	Mansfield	

Mr. BYRD of West Virginia. I announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I further announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Allott	Eastland	Long, Mo.
Anderson	Ervin	Long, La.
Baker	Fannin	McClellan
Bartlett	Fong	McGee
Bennett	Gore	McGovern
Bible	Griffin	Mondale
Brewster	Gruening	Mundt
Brooke	Hart	Murphy
Burdick	Hatfield	Muskie
Byrd, Va.	Hayden	Pastore
Cannon	Hill	Pearson
Carlson	Holland	Pell
Clark	Jackson	Percy
Cotton	Javits	Proxmire
Curtis	Jordan, N.C.	Randolph
Dominick	Jordan, Idaho	Ribicoff
Russell	Stennis	Williams, Del.
Scott	Symington	Yarborough
Smathers	Thurmond	Young, N. Dak.
Smith	Tower	Young, Ohio
Sparkman	Tydings	
Spong	Williams, N.J.	

The ACTING PRESIDENT pro tempore. A quorum is present.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 3 minutes.

Domestic tranquillity, peace on our streets, an end to riots and crime and violence; these are today the foremost hopes of every American citizen, and every American official. We want law. And we want order. And we want security at home, at work, and at leisure.

In the long term we can achieve this security only by getting to the roots of crime and violence, by eradicating the poverty and ignorance, and disease, and deprivation, and discrimination that now leave some Americans without a stake in the Nation's progress and stability. That effort is absolutely necessary if we are to survive as a culture, but it will take many years and many billions of dollars.

Yet there are also immediate measures which can be taken as well to help provide short-term relief from tension, fear, and danger.

One of these measures is now before us. It has the support of the National Riot Commission and the National Crime Commission, the National Council on Crime and Delinquency and the American Bar Association, the Attorney General of the United States, and his predecessors and the Director of the FBI, Governors, mayors, State attorneys general, police chiefs, district attorneys, and other officials from all over the Nation. And most of all it has the support of the overwhelming majority of the American people. They support it because they want deadly firearms of all kinds kept out of the hands of criminals, addicts, mental incompetents, thrillseeking juveniles, and others who should not have them.

State and local governments have tried to meet this need through their own laws and ordinances, but they cannot do the job alone. They need Federal help to prevent their citizens from evading their laws by traveling to neighboring States to purchase guns or by making mail-order purchases from distant suppliers. Amendment No. 786, when added to the present title IV can provide them with this help. Title IV now requires that over-the-counter purchases of handguns be made in the State of the purchaser's residence. It requires that mail-order purchases of handguns be made through local dealers. Amendment No. 786, on which we will vote this morning, merely insures that mail orders of long guns, too, will be placed through local gun dealers, so that these licensed dealers can assure compliance with local,

State, and Federal law in the purchaser's place of residence. It is clear that such coverage of long guns must be provided if we are not to leave a gaping loophole in our efforts to assist States and localities. Under this amendment, as a concession to traveling hunters and gun competitors, rifles and shotguns will still be permitted to be purchased in person over the counter in any State if the laws of the buyer's State and seller's State are complied with. As a further concession to those who have complained about the breadth and language of the preamble to title IV, my amendment would delete that preamble.

Mr. President, we have it within our power to make this Nation a little safer today, to help keep guns out of the hands of those who should not have them. The only real objection to this amendment has been that it may inconvenience a few people in remote areas when they want to buy guns. In fact, as drafted, neither the amendment nor title IV would be likely to inconvenience anyone at all. But even if a few such cases could be found, I think that handful of people would be willing to make a slight extra effort in purchasing their firearms, in order that 200 million Americans can sleep and walk and work and play with greater peace of mind. That is the question before us, and the results of the way we answer today will be measured in lives saved, robberies avoided, injuries prevented and snipers disarmed. If we are really serious about doing something about crime and riots and violence, here is our chance.

Mr. DODD. Mr. President, yesterday and today I have sat and listened, with astonishment and sadness, to the arguments by the opponents of gun control legislation.

I have been distressed, above all, by the blind and unreasoning opposition to the modest controls over the interstate sale of rifles and shotguns proposed in the amendment submitted by the distinguished senior Senator from Massachusetts.

On every single point, the arguments advanced by those who oppose any control over the interstate sale of long guns avoid a direct confrontation with the facts.

The opponents of the amendment tell us that the rifle and shotgun are sporting weapons and that they are rarely used in the commission of crimes. But a questionnaire which the Juvenile Delinquency Subcommittee sent out to various police departments across the Nation developed the following very revealing statistics on the role of long guns in illegal activities of all kinds for a 5-year period for the 40 cities that responded to the questionnaire: 805 rifles and shotguns were confiscated from juveniles; 1,210 rifles and shotguns were used to commit murder; 2,908 robberies were perpetrated with long guns; 4,179 assaults were committed with long guns; 14,035 long guns were misused in other crimes; 23,130 rifles and shotguns were confiscated from persons involved in illegal activities; and 4,478 long guns were seized on illegal weapons charges. This makes a total of 50,745 cases where long-arms were used in crimes of violence or other illegal activities.

These are facts which cannot be ignored.

The opponents of this amendment pretend that they speak for the American people, or, at the very least, that they speak for a majority of those who own guns.

But the fact is that 73 percent of the American people, according to the Gallup poll, favor registration of rifles and shotguns, a measure far more stringent than the provisions of this amendment. And in a recent Harris poll, taken only a short while ago, it developed that 65 percent of all gun owners favor the registration of all weapons.

The fact is further that gun control legislation has had the editorial backing of papers which between them account for 93 percent of all newspaper circulation in the United States.

The Senators who have spoken against the amendment assure us that it is their desire to do everything in their power to help our law enforcement authorities combat crime.

But when FBI Director J. Edgar Hoover points to the increasing use of long guns in crimes of violence across the country and appeals for controls on long guns as well as handguns, they ignore this advice.

And when Mr. Quinn Tamm, representing the International Association of Chiefs of Police, tells us that "the long-arm has taken its place in 20th-century crime with a demolishing force," and when he also urges controlling legislation, they ignore this advice, too.

And when the chiefs of police of our major American cities, almost to a man, echo the opinions expressed by Mr. Hoover and Mr. Tamm, and urge the enactment of strict controls over the sale of all firearms, the opponents of long-gun control treat their opinions with the same cavalier disdain they display for the opinions of Mr. J. Edgar Hoover and Mr. Quinn Tamm.

After all, what do people like Mr. J. Edgar Hoover and Mr. Quinn Tamm and the chiefs of police of our major cities know about the problems of crime and law enforcement?

The gun lobby understands the problem. The National Rifle Association knows what to do about crime. And the Senators who oppose this amendment apparently believe that they share the omniscience of the gun lobby.

Mr. President, I believe the time has come to put an end to such nonsense.

If we claim to represent the American people, we cannot as a body persistently vote against legislation which 75 percent of the American people want.

And if we claim to be truly concerned about our growing crime rate and truly desirous of giving our law-enforcement authorities the legislative assistance they need in order to combat crime, then we cannot go on ignoring the advice of the Department of Justice and the FBI and of our law-enforcement authorities at every level.

We cannot ignore the fact that one-third of all murders and more than one-third of all gun crimes involve the use of rifles and shotguns or sawed-off rifles and sawed-off shotguns.

We cannot ignore the fact that the high-power rifle is the favorite weapon of the assassin.

We cannot ignore the fact that the rifle is the favorite weapon of the berserk killer.

We cannot ignore the fact that the rifle has been the main weapon of the snipers who have taken so murderous a toll in our big city riots.

Mr. President, I ask for a vote of confidence in our law-enforcement authorities.

I ask for legislation which will give them the assistance they themselves have asked for in the fight against crime.

I ask for the enactment of this amendment.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think that the basic reason for much of our gun control activity in the Senate had its genesis in the assassination of President Kennedy in 1963. A long-barreled gun was used in that case. It mystifies the Senator from Rhode Island why we should be seeking to exempt, in this legislation, the long gun. No one who has a right to have a long barreled gun—and that, of course, includes all the sportsmen of this country—will be impeded in any way. Their rights will not be impinged upon.

The purpose of this measure is to get at the criminal. The purpose of this measure is to stop the flow of guns to people who acquire them for unlawful reasons. As the Senator from Massachusetts has pointed out, there is nothing in the bill that prevents a good man, a well-meaning man, a properly motivated man, who loves to use a gun for sportsmanship, from having one.

So I say to the Senate today that it would be incongruous, it would be inconsistent, it would be inconceivable to say that we are going to stop the traffic on the pistol, on the short gun, and yet, in so far as the long gun is concerned, which has caused us so much trouble in the past, which accounted for the assassination of a President in 1963, which is the root reason why we are considering much of this legislation today, to say that it should be exempted on the basis of the frivolous argument that to do otherwise would impede the constitutional right to carry guns.

That, to me, does not make sense at all. I compliment the Senator from Massachusetts for proposing his amendment, and I hope that the amendment will be agreed to today.

I thank the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, I reserve the remainder of my time.

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, the amendment upon which we will shortly vote really demonstrates the crux of the matter. It springs from the curious combination of trying to deal, in one bill, with destructive weapons and sporting arms. Sporting

arms are under the purview of the Federal Firearms Act of 1938. There are implementing regulations, and there have been for a long time. They have not been enforced, Mr. President, and that is admittedly true from the testimony in the hearings.

The crux of the problem presented by this amendment results from this fact: the real sporting weapon is the long gun, the shotgun and the rifle. I venture to say there is not a Member of this body who did not start using a long gun in his early teens, and some of us, perhaps, before that.

The question is asked, "Why should we regulate handguns more strictly than long guns?" For the simple reason that handguns are the real offender in the crime picture. There is no question about that. The Federal Bureau of Investigation has said that the handgun accounts for 70 to 75 percent of the crimes involving guns; and cities which have kept track of it in greater detail say the percentage is as high as 90 percent.

That is why it is necessary to be more concerned with the handgun than with the long gun. Some say—and repeat, hoping that repetition will make the idea a fact—that the impact on the legitimate user will be small. They say that it is only a matter of inconvenience.

Mr. President, that is not so. Under the terms of the bill (S. 917), as reported by the committee, title IV fastens upon the dealer the responsibility of enforcing the provisions of that bill, the responsibility of keeping guns out of the hands of the wrong people—a very difficult, if not impossible, task. The proponents of title IV say it is a task too great, too burdensome, too costly, and in fact impossible for police departments; but at the same time, they seek to put that burden on the dealer.

What will be the effect of that provision on the dealer who sells firearms, including, of course, long guns?

It will have two effects. Many of the present dealers will refuse to renew their firearms license. Those who stay in the business will say. "The risk is too big; I am going to play this carefully." They will be overcautious, because, if they should indulge in a course of conduct of which some Federal prosecuting attorney might say, "This is not good business judgment," then such dealers would be subject to prosecution, with penalties up to $10,000 in fines and 5 years in the penitentiary.

There lies the burden on the purchasers of long guns under the Kennedy amendment. Further, this proposed amendment to the Dodd bill is not a measure which would affect only interstate sales. It would also ban intrastate mail sales, so that someone living in Miles City, Mont., who may wish to send to Helena, Mont., for a gun, cannot get it by mail. He cannot order it directly; he has to look himself up a licensed dealer. Residents of most outlying communities would probably have a long way to go to a dealer; and when they found one, they would find him only an agent for mail-order sales, because he could not afford to keep a stock of firearms on his shelves; it would be just totally impracticable.

So he would go to the dealer, and the dealer would order it by mail—within a State, Mr. President. The fact is that this would be a great burden; it would increase the price; it would be a disaster to those who buy guns and who have a right to buy them.

Mr. President, there were about 10,000 willful killings, from all sources, with and without firearms, in the year 1966. Only 22 percent of those were felony killings not occurring within or near a home.

Of those crimes, those killings that we know as crimes of passion, only 22 percent are in the felonies bracket, and 75 percent or more of those, by the estimates of the FBI, are committed by handguns. So, there would be some 500 felonious killings by the long gun. And here we are going to forbid mail-order sales that will affect some 15 million to 20 million licensed hunters who have a right to hunt. And hunting is a wholesome and good sport.

We propose to penalize that large a number and what will be the impact on crime? Very little, if anything.

Anyone bent on a felonious killing with a rifle will get a rifle if necessary. He does not have to use the mail-order route.

Several Senators addressed the Chair.

Mr. HRUSKA. Mr. President, I yield first to the distinguished Senator from California.

Mr. MURPHY. Mr. President, are there any statistics that would reflect the percentage of guns used in felonious crimes that were not purchased by the user? I refer to cases in which the possession of a firearm, be it long or short, has been transferred from one to another or stolen.

Mr. HRUSKA. The testimony shows that many of the guns used for this purpose are stolen guns in the first place. I do not know that the pending measure contains any provision against stealing.

Mr. President, I yield now to my distinguished colleague from Nebraska.

Mr. CURTIS. Mr. President, is it conceivable that an orderly and regular process for acquiring guns would put murder in the heart of an individual? An individual does not murder because a gun is available. He murders for other reasons.

Mr. HRUSKA. Not in felonious killing. The Senator is correct.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 1 minute to the Senator from Hawaii.

Mr. FONG. Mr. President, during the years 1960 through the first 6 months of 1965, in 107 cities having populations of more than 100,000: 805 rifles and shotguns were confiscated by law enforcement officials from juveniles; 23,130 rifles and shotguns were confiscated; 505 rifle murders were committed; 705 shotgun murders were committed; 919 rifle robberies were perpetrated; 1,989 shotgun robberies were perpetrated; 1,812 rifle assaults were committed; 2,361 rifles were seized on illegal weapons charges; 2,217 shotguns were seized on illegal weapons charges; 6,151 rifles were misused in crimes; 7,784 shotguns were misused in crimes; and, 14,884 crimes were committed in which rifles or shotguns were used.

According to the FBI Uniform Crime Report for 1966, 1,747 persons were murdered in the United States with rifles and shotguns that year.

In a report dated August 11, 1967, the Director of the Alcohol and Tobacco Tax Division wrote that the strongest argument for including long guns in a firearms control law is the fact that they can be, and frequently are, converted into concealable weapons for criminal use.

We have reviewed 200 recent firearms violation case reports—

He said—

and found that there were 98 sawed-off shotguns and 14 sawed-off rifles out of a total of 207 guns involved in these cases.

It seems obvious to me that if strict controls are imposed on handguns without imposing similar restrictions on long guns, the criminal element will continue to have ready access to concealable weapons by the simple expedient of purchasing an uncontrolled long gun and converting it into a handgun.

The controls proposed in S. 1 would reduce the easy availability of rifles and shotguns to persons with criminal records by prohibiting federally licensed dealers from making sales to felons and by making it a criminal offense for a felon to give false information to the dealer concerning his criminal record.

There is absolutely no doubt in my mind that a good, strong Federal firearms control law is long, long overdue.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 20 seconds to the Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 20 seconds.

Mr. LAUSCHE. Mr. President, I subscribe to the theory that there should be a provision in the pending bill against the acquiring of guns across State lines. I cannot see the difference in principle in applying one rule to long guns and another to short guns. They are both criminal weapons.

If the principle is right that interstate traffic should not be tolerated in the sale of short guns, it then follows, Mr. President, that it also ought to be applicable in the sale of long guns.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 15 seconds to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for 15 seconds.

Mr. COOPER. Mr. President, I think my State of Kentucky is known for its love of guns. However, I do not think that restricting only the interstate mail-order sale of long guns would hurt the sportsman. If it is logical to prohibit the mail-order sale of handguns used in cases of crime and violence, it is logical to similarly restrict the interstate mail-order sale of long guns used for the same purpose.

I support the amendment of the Senator from Massachusetts.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska has 3 minutes remaining.

Mr. HRUSKA. I am willing to yield back my 3 minutes if the Senator from Massachusetts will yield back the remainder of his time.

Mr. KENNEDY of Massachusetts. Mr. President, I desire to make a statement.

Mr. HRUSKA. Mr. President, I will give the Senator from Massachusetts 25 seconds of my time in addition to his.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY of Massachusetts. Mr. President, in the final minute of debate on the pending amendment, I wish to point out that we have Federal regulation on drugs and Federal regulation on liquor.

There is absolutely no reason at all why we should not have the same minimum standards established for guns. We have strict standards applied to drugs and liquor. I wonder how many policemen will be shot down by rifles purchased through the mails or in contravention of State and local laws. We have direct testimony before the committee that 87 percent of the weapons confiscated in one strict gun law State were obtained from outside its boundaries. How long can we tolerate these State laws being undermined by neighboring States?

How many firemen will be shot down in the performance of their duties?

How many public officials will be lost?

It is true that handguns are used in crimes. It is equally true that long guns are used with nearly the same frequency, more important, it should be noted that the long gun is the symbol of violence—the very violence we are seeking to decrease throughout this land.

The Senate this morning has an opportunity to speak out on this matter. And I am hopeful that the Senate will support the amendment.

Mr. HRUSKA. Mr. President, I yield 60 seconds to the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized for 60 seconds.

Mr. BENNETT. Mr. President, I think we are going at this entire matter backward.

We are assuming that the manner in which the gun is acquired controls its felonious use. It seems to me that instead we ought to be passing laws to impose very severe penalties in addition to the penalties for the crime when a weapon is used in that crime.

I think that we would then begin to deter this practice. However, if a man wants to murder with a gun, he is going to find a gun. There is not any question concerning that in my mind.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY of Massachusetts. Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. [McCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

I also announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from New York would vote "yea," and the Senator from Washington would vote "nay."

On this vote the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 29, nays 53, as follows:

[No. 134 Leg.]

YEAS—29

Brewster	Kennedy, Mass.	Smathers
Brooke	Lausche	Smith
Byrd, W. Va.	Long, Mo.	Spong
Clark	McIntyre	Symington
Cooper	Mondale	Tydings
Dodd	Pearson	Williams, N.J.
Fong	Pell	Williams, Del.
Gore	Percy	Yarborough
Griffin	Randolph	Young, Ohio
Javits	Ribicoff	

NAYS—53

Allott	Ellender	McGee
Anderson	Ervin	McGovern
Baker	Fannin	Metcalf
Bartlett	Gruening	Miller
Bayh	Hansen	Mundt
Bennett	Hart	Murphy
Bible	Hatfield	Muskie
Boggs	Hayden	Nelson
Burdick	Hickenlooper	Proxmire
Byrd, Va.	Hill	Russell
Cannon	Holland	Scott
Carlson	Hruska	Sparkman
Church	Jackson	Stennis
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dirksen	Long, La.	Tower
Dominick	Mansfield	Young, N. Dak.
Eastland	McClellan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pastore, for.

NOT VOTING—17

Aiken	Inouye	Montoya
Case	Kennedy, N.Y.	Morse
Fulbright	Kuchel	Morton
Harris	Magnuson	Moss
Hartke	McCarthy	Prouty
Hollings	Monroney	

So the amendment of Mr. KENNEDY of Massachusetts (No. 786), as modified, was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GORE in the chair). Under the previous order, the question recurs on the amendment of the Senator from Nebraska, who has 92 minutes remaining. The Senator from Connecticut has 38 minutes remaining.

The Chair has not been advised as to the need for the presence in the Chamber of those persons who are not Members of the Senate.

Will the Sergeant at Arms ascertain the propriety of the large number of guests on the floor of the Senate and advise the Chair.

The Chair will suspend business temporarily until the Sergeant at Arms advises the Chair of the propriety of the large number of guests in the Senate Chamber.

[After a little delay.]

The PRESIDING OFFICER. The Chair is advised by the Assistant Sergeant at Arms on the side of the majority. We will temporarily await the report of the Sergeant at Arms on the side of the minority.

[After a little delay.]

The PRESIDING OFFICER. The Chair

is advised by the Assistant Sergeant at Arms on both sides that those now remaining in the Chamber are properly certified to be on the floor of the Senate.

The Senator from Connecticut is recognized.

AMENDMENT NO. 789

Mr. DODD. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. DIRKSEN. I object. I would like to hear it.

The PRESIDING OFFICER. Objection is heard. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PASTORE. Mr. President, we are having the amendment read. I cannot hear a word, and I do not think anyone else can. There is too much noise in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. The Chair has ascertained that approximately 30 staff members are properly certified to be on the floor of the Senate, but that does not entitle them to engage in conversation. Only conversation with the Senator that the staff member serves is permitted. If there is not order in the Senate, the Chair will take further action.

The amendment will be stated.

The legislative clerk resumed and concluded the reading of the amendment, as follows:

On page 81, line 1, strike out "other than a rifle or shotgun".

On page 81, line 16, strike out "other than a rifle or shotgun".

On page 82, line 4, strike out "other than a rifle or shotgun".

On page 89, line 20, strike out "other than a rifle or shotgun".

On page 90, between lines 15 and 16, insert the following new paragraphs:

"(C) This paragraph shall not be held to preclude licensed importer, licensed manufacturer, or licensed dealer from shipping a rifle or shotgun to an individual who in person upon the licensee's business premises purchased such rifle or shotgun: *Provided,* That such sale or shipment is not otherwise prohibited by the provisions of this chapter;"

"(D) This paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle) shipped or transported into a State which has elected by the enactment of a State law to make the provisions of this paragraph inapplicable with respect to the shipment or transportation of such shotguns and rifles into such State, such inapplicability to take effect upon notification to the Secretary by the Governor of such State of the enactment of such law and the publication of such notice in the Federal Register; and"

On page 90, line 16, strike out "(C)" and insert in lieu thereof "(E)".

On page 93, line 12, strike out the period and insert in lieu thereof: "; or to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, if the firearm is a shotgun or rifle."

The PRESIDING OFFICER. The Chair inquires of the Senator from Connecticut if he desires to have the amendments numbered 789 considered en bloc.

Mr. DODD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the amendments are considered en bloc.

Mr. DODD. Mr. President, the amendment which has now been called up is similar to the amendment which was just rejected except for one major change. It is my hope that this change will make the amendment acceptable to a majority of the Senate.

The provision is brief, and it is the essence of simplicity. Like the amendment offered by the senior Senator from Massachusetts, it provides for Federal control over the interstate sale of shotguns and rifles. But, in the case of those States that are opposed to such regulations, my amendment would allow the State legislature to enact a statute that would relieve its citizens from compliance with the provisions governing the mail-order purchase of rifles and shotguns.

My amendment would make one further change in title IV. It would prohibit anyone under 18 years of age from purchasing a rifle or shotgun, unless accompanied by his parents or guardian, who would make the purchase for him.

Mr. President, we all know of the violence that ripped many of our major cities last summer and, again, since the assassination of Martin Luther King, Jr.

We all know of the deadly sniper fire that took the lives of innocent victims and frustrated the efforts of law enforcement officers in combating what amounted to guerrilla warfare on the streets of our great cities.

We all know that the rifle and shotgun is the tool of the sniper and that these weapons have been misused during the height of the fury in the riot-torn areas.

Yet there are those who still argue that the rifle and shotgun are strictly the instruments of sportsmen and hunters and that they play little or no role in our soaring crime rates.

It has been painfully apparent from 1933 until today, that the inclusion of rifles and shotguns in any legislation has been a major stumbling block to its enactment.

It is my hope that the option provision which has been written into the amendment I now call up, will remove, or at least substantially reduce, the opposition of the sportsmen and farmers and legislators of our less-populated Western States.

The amendment, in adhering to the principle of assistance to the States, would not, in my opinion, greatly reduce the overall effectiveness of this legislation. It would only be applicable in those States which feel that they do not want these controls to apply to their own citizens or that they do not need the help of the Federal Government in enforcing their own laws.

There is no constitutional bar to this legislative approach. And there is ample precedent in principle for its adoption.

I urge that this amendment be given favorable consideration by the Senate.

I offer it in an effort to loosen the log-jam that has characterized the progress, or more accurately, the lack of progress of firearms legislation in the Senate over the years.

I am hopeful that it will meet, or at least reduce, the objections that have been raised by some of our citizens in the rural and Western States.

The record that the subcommittee compiled during the years is clear that there are certain of our States that do not want and do not feel the need for Federal assistance in controlling the acquisition of firearms.

Witnesses from these States have indicated that a mail-order ban or stringent controls on mail-order rifles and shotguns would effect a hardship on sportsmen, ranchers, and farmers whose primary access to sporting rifles and shotguns is through the mail-order route.

For example, Senator FRANK CHURCH presented to the subcommittee a petition of some 44,000 signators from the State of Idaho who oppose, categorically, any Federal firearms legislation.

Nine of our Western States have petitioned the Congress to oppose legislation of this type mainly because of the inclusion of long arms.

I believe that this amendment should remove the basis for such opposition.

If the controls need not apply to these States, there is, after all, no reason why they should oppose it.

In urging adoption of this amendment, I am also mindful of those responsible State and local officials who have pleaded with the Congress to act affirmatively and to enact meaningful Federal gun control legislation.

Their plea should not go unheeded.

And I hope that my colleagues who object to this legislation because of opposition of a minority of their constituents, will not ignore them either.

The record that the Juvenile Delinquency Subcommittee has compiled over the last 7 years conclusively demonstrates the existence of a serious firearms problem in the United States.

Long arms, rifles, and shotguns contribute significantly to this problem. And it is increasing every year.

The gun lobby insists that rifles and shotguns are strictly sportsmen's weapons.

Yet, in 1966, 1,747 persons were murdered with rifles and shotguns, not to mention the major role they played in the summer riots of that year and 1967. Moreover, according to the Department of Justice, the sawed-off rifle and sawed-off shotgun, which are almost as concealable as handguns, are figuring increasingly in crimes of violence. All of our law enforcement authorities, in fact, are agreed that the fight against crime demands some kind of controls over the sale of long guns.

The gun control issue has been before the Congress for 5 years.

The problem of firearms misuse has increased substantially in each of those years.

We simply cannot afford to delay any longer.

We must enact legislation this year that will do the job of allowing the States to control the traffic of all firearms across their borders.

We have such legislation in this

amendment. And with the option provision that I offer today, I believe that we can get on with the task of affording protection to our highly populated States from the virtually uncontrolled interstate commerce in illicit firearms that today threatens our cities with destruction.

I commend the adoption of this amendment to my colleagues and urge that we act on this legislation without further delay.

There has been an awful lot of confusion about this legislation. I wish more Senators were in the Chamber today because I think this matter is of great importance. It is the first time in 30 years that such a measure has been before the Senate. It is hard to keep up with and try to clear the confusion about the bill. For instance, yesterday, I was in colloquy with the distinguished Senator from Wyoming and the distinguished Senator from California when it was stated without equivocation that the theft of one orange in the State of California could constitute a felony. My response was that I was quite surprised because I had never heard of that, although I know that the laws in other States do vary. I looked into that last night. I called up out there and I find it is different from what appears in the RECORD on yesterday's colloquy. I was told that the theft of one orange is a felony only if that orange is worth $50. I did not know they grew oranges that expensive in California. I never ate or saw one. That is the kind of confusion to which I refer. I do not suggest, of course, that the Senator from Wyoming or the Senator from California were purposely confusing the issue, but it is the kind of thing we have had to face. The basic grand theft law of the State of California is contained in section 487 of the penal code. Subsection 1 decrees that the total value of the theft must be $200 or more before it becomes a felony.

Subsection 2 of that same code makes an exception. Subsection 2 is a holdover from the days when California had a principally agrarian economy, and I am told this subsection is about to be rewritten.

That exception is that a felony has been committed when there has been a theft in excess of $50 only of the following items:

Horses, cows, sheep, cattle, domestic breeding stock of all kinds, along with fruits, avocados, olives, domestic fowl, artichokes, citrus fruits and deciduous nuts. I do not know whether that would cover "gun nuts" or not.

I thought the record ought to be straight on that, Mr. President.

The thief in possession of a firearm when he stole that California orange would be committing only a misdemeanor, and thus not subject to the provisions of title IV—except, of course, if the orange he stole was a particularly valuable orange.

I know Florida oranges are not quite that expensive.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. TYDINGS. Do I correctly understand that the pending amendment is the same as the amendment previously offered, except that any State that did not wish to be bound by the provisions of the long-gun amendment would have the right to take itself out from under the protection, and, therefore, it is not so strong or so effective an amendment as the one just rejected?

Let me further ask, is it not a fact that in the hearings before the Subcommittee on Juvenile Delinquency, extending over the past 3 years, testimony was given to the effect that in Atlanta, Ga., police files show that 80 percent of confiscated crime guns were foreign imports; namely, guns brought in from outside the United States? In Los Angeles, the figure runs to 45 percent. In Massachusetts, for example, the State police have traced 87 percent, or 4,506 guns which were misused in the State of Massachusetts over a 10-year period due to over-the-counter purchase in neighboring States which have no restrictions on selling guns to felons, junkies, juveniles, and criminals.

Many States who wish to have the benefit of that protection for their citizens and do not wish mail-order guns to be brought into their State, have a right to that protection and in Western States that do not wish that, they have at least the right to option out and not come within the protection of this amendment; is that not correct?

Mr. DODD. The Senator is absolutely right. His figures are right, too. The State of Massachusetts—and the Senator from Massachusetts [Mr. KENNEDY] can bear me out on this—found that 87 percent of the guns confiscated in the course of the commission of crimes, were guns purchased outside Massachusetts, in States with weak gun laws, and then brought back into Massachusetts and used for the commission of crimes.

Mr. TYDINGS. I wish the Senator from Michigan were in the Chamber so that I could ask him if it is not a fact—I know that it is—that in the arrests made in connection with the riots and civil disorders in Detroit, there were a number of confiscated weapons, and the majority of those confiscated weapons were acquired by individual rioters outside of Michigan, outside of Wayne County, where they would not have been able to purchase such guns because they had prior criminal records, but they slipped across the State line into Toledo, Ohio, and purchased guns along that strip of pawnshops and gun stores—it has a special name which escapes me for the moment—but they will sell a gun to anyone regardless of his record of criminality or regardless of his character. All we are asking is some type of protection for the law enforcement officials in Michigan, in Maryland, and in every other State in the Union. Those States that do not want that protection have the right to option out; is that not correct?

Mr. DODD. The Senator is right, of course, in every detail. He is a valued member of our committee. We sent staff people out to Detroit and they ascertained just what the Senator has said. A large percentage of the guns confiscated by the police were purchased over the State line, in Ohio, in the neighborhood of Toledo. I believe they are called "Saturday night specials." It is all surplus military stuff from abroad. A great deal of crime was committed with those guns in Detroit. It is going on all the time, so that the Senator is quite right in his observations.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minues remaining.

Mr. DODD. I thank the Chair.

Mr. CANNON. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. CANNON. I wonder would the Senator state whether it is not possible at this time for a State to enact as stringent gun laws as they wish, that there is no prohibition in the law to prevent any State that wants strong gun laws from enacting them.

Mr. DODD. No. Many States already have strong gun laws, but it does not do them very much good. Someone can put a few dollars in an envelope and send it to a gun store in California, and the authorities would never know anything about it.

Mr. CANNON. Is it not reasonable to assume that if a man is going to violate the law, even a strong law, he will violate it regardless of how strong a law it may be? If we enact legislation such as this, is it going to be a deterrent?

Mr. DODD. I reply to the Senator by asking, is it not sensible to do all that we can to make it as difficult as possible for a law violator to violate the law? That is the purpose of the amendment. It is that simple. I had never said, and I do not know of anyone who has, that this would stop all crime. However, it will help to stop some of it. That is the best we can do in any area of crime legislation. That is why I offered the amendment.

Mr. CANNON. Is it not a fact that the theory of proposed legislation of this kind would apply across State lines so that it would involve the commerce clause and, therefore, we have authority to act; is that not correct?

Mr. DODD. Yes, under interstate commerce.

Mr. CANNON. Interstate commerce, yes. Is it not also a fact that the Senator's amendment would, in effect, give a State the right to say that it does not desire to be bound by the interstate commerce clause, which raises the question in my mind as to the constitutionality of such a provision?

Mr. DODD. I can only say to the Senator that I sought the best constitutional advice I could get and was assured that it is constitutional, that we have done it before in other legislation. I would not have offered such an amendment, of course, if I thought it was unconstitutional.

Mr. CANNON. Would the Senator cite some other legislation based on the commerce clause of the Constitution which would apply broadly across interstate lines where we have given a specific State or any number of States individually the right to exempt themselves from the commerce clause? I doubt that there is any such legislation.

Mr. PASTORE. If I may interject

there, if we give those States permission to do that, what we are enacting here we could force them into, but we are given that leeway and, therefore, it is a grant on the part of the Federal Government to the States. The Federal Government cannot raise the constitutional question, because here in the Legislature, or in Congress, we are giving the States that prerogative. We are excluding that prerogative in this amendment.

Mr. CANNON. I would be very much interested to learn of some parallel legislation in which Congress has enacted a broad general law on the basis of the commerce clause applying to all the States, and then giving any one State, or two or three or four States, the right to exempt themselves from the application of the law. If any such law has been enacted, I would like to hear it.

Mr. DODD. It has been done. I am sure we are right.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DODD. I yield to the Senator from Pennsylvania.

Mr. CLARK. I have no doubt that this amendment is entirely constitutional. The commerce clause can be invoked at the option of the Federal Government in whole or in part in cases where the State disagrees with the Federal Government. I am confident there is no constitutional prohibition against this exemption. I regret that the Kennedy amendment was defeated a few moments ago. I want to commend the Senator from Connecticut for the present amendment, which is much stronger than the bill as presently written. I congratulate him.

Mr. DODD. I thank the Senator from Pennsylvania. He has been a great help in getting this legislation to the floor.

I may say one other thing. We are not just offering this option to a few States; we are offering it to all the States, which can take it or leave it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

I assure my colleagues that, while there are 30 minutes available to the opponents of the amendment, it is my intention to use only about 5 or 6 minutes.

The issues are clear here. It is a very simple question. There are two parts to the amendment proposed by the Senator from Connecticut. The first part is to have the Senate vote all over again upon the very question which it rejected by a substantial vote when Senators voted down the Kennedy amendment. In other words, the Senator wishes to include long guns in the prohibition of mail-order sales. The temper of the Senate has been expressed on that point.

It is proper to pose that question again, because there is a second part in the amendment which states that the legislature of any State may, by positive legislative action, say it does not want to be bound by this ban on mail-order sales. Each State may declare mail-order sales proper and legal within the boundaries of that State.

The arguments used to support this amendment are surprising. For example, the Senator from Maryland cited the Michigan situation. He said it has been shown that in the disorders in Detroit and Michigan many persons had gone into Toledo and bought many guns from pawnshop brokers, and that they took those guns back into Michigan.

I point out that there is now, and for 30 years there has been a law on the books, which states that if any State requires a permit for one to own a gun—such as may be the case in Michigan—no federally licensed dealer in any other State may send a gun into that State without seeing the permit on which the prospective purchaser will base his right to buy that gun.

We had testimony in our committee that this law has not been enforced. There was no attempt to go into the surrounding States among the eight or 10 States that have license or permit laws to ascertain whether the licensed dealers were obeying the law. They were also required by law to keep records of the sales that they made into those States. In short, Mr. President, there is already a law in that field.

The second argument advanced for the amendment is that we want to make it as difficult as we can for the criminal to get a gun. That is a fine goal. I think perhaps if we could label criminals, as they did in medieval times, by branding them on the forehead with a red mark, so such a person could not buy a gun, it might be a workable plan. But here we are asked to impose upon millions of law-abiding citizens obstacles to purchasing long arms as well as pistols.

The fact is that relatively few people will be deterred and/or obstructed when they are criminally inclined. For the relatively few people deterred, millions will be heavily burdened and in some cases will find it impossible to get guns. The price is too high. The Senate voted on that issue this morning.

As to the merit of giving a State legislature the option, that option is available now. It is available under title IV, which is in the bill as it was reported by the Judiciary Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield myself 3 additional minutes.

I may say that was done by a very close vote. That option is also included in amendment No. 708, upon which the Senate will vote later this morning. It simply provides that no shipment will be made into any State when that type of shipment would be in violation of the law of that State. Nor may a man go across a State border, buy a gun, and take into his home State if bringing it into the State is violative of State law.

Of course we could reverse the process, that is something else again; but any State that wants to bring itself within the purview of the law may do so without this amendment.

Such an option with each State is proper. The testimony repeated again and again that in areas of the Middle West and Far West conditions are different than they are in the more populous States and cities.

I urge my colleagues to vote the amendment down, first of all, if for no other reason, to reaffirm the expression of judgment the Senate made earlier today; and, second, because we already have in the law the means by which the legislatures can bring themselves within the purview of this act.

I wish to make just one other observation. The amendment of the Senator from Connecticut has the same direction, intent, and effect as the amendment offered by the Senator from Massachusetts had, and the effort that will be made later this morning by the Senator from New York. All three of those amendments are calculated to amend title IV as reported by the committee. There is no effect upon amendment No. 708, upon which the Senate will vote later in the morning.

I want to say again that the superiority of amendment No. 708 emerges even more clearly as we consider these attempts to amend title IV that will make it burdensome, oppressive, and highly undesirable.

It is my hope the Senate will turn down the amendment as decisively as it did the first one.

I yield 5 minutes to the distinguished Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, there is a principle involved here with which I think we ought to come to grips. I recall in House days, when reorganization plans came up from the executive branch, that they had to work out a technique so that unless Congress acted affirmatively, the plans would go into effect. So the onus was upon the Congress. It did not make any difference how busy it was. It did not make any difference what engaged its time at that particular moment. There was a deadline, and it had to act.

So we began to adopt this so-called back-door, left-handed approach. I think I have resented it in all those years.

Now, here we have got the same thing. All you have to do is read this language. I am afraid we sometimes get a little careless when we look at language and do not spell it out:

> This paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or short-barreled rifle) shipped or transported into a State which has elected by the enactment of a State law to make the provisions of this paragraph inapplicable.

What we would be saying to the 50 States by that language is: "Whether you like it or not, we are going to put it on you, and if you do not like it, you can convene your legislatures, in regular or extraordinary session, and say you do not want it." But that means convening 50 legislatures, specially or otherwise, and in some cases the Governor has to include the purpose in the call, if it is an extraordinary session.

What will we have done? We will have transferred the battleground to 50 jurisdictions, because, just as surely as a legislature undertakes to take itself out from under Federal law, there is going to be a fight. There will be lobbying from both sides. I do not propose to put that kind of burden upon the 50 legislatures. The Federal-State partnership is all too fragile now, and we are fragmenting it day after day. This is just another evidence of it, as the proponents of the

amendment try to march through the back door.

I will have none of it. This amendment ought to be voted down by a resounding vote, to show that the Congress of the United States still has some respect for the Federal-State union and the Federal-State partnership, and that we do not propose to take advantage of the States by saying, "Well, we will put it upon you, and you see how you can get out from under, no matter how much trouble may be involved."

That reminds me a little of all these neckties that come to my desk, from somewhere or other, every month. I think last month there were five. You look at them, and they look so lovely when they are new, but they only last for one wearing, in most cases; and you are supposed to put a dollar or $2 in an envelope and send it back.

Suppose you do not do it? What do you think they are going to say, in the office out in St. Louis or elsewhere?

"Well, the Senator is a heel," if you know what I mean. "Let's take him off the list."

So you either send the money, or otherwise. Maybe you do not want to keep the merchandise, and lay out $2 for a tie you will wear only once. After all, even in these inflated days, money is not that cheap and easy. But, after all, they give you no choice, because the one way it is an invasion of your pride, and the other way you send a little money that you really do not want to send.

So you take it or leave it. That is the way this is. We say to the States, "Take it or leave it; the only way you can get out from under is to have your legislature take you out from under." That adds to their burdens and their expenses.

This is just a back-door approach. I trust it will be roundly defeated.

Mr. LAUSCHE. Mr. President, will the Senator from Nebraska yield me 5 minutes?

Mr. HRUSKA. I yield 5 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, by my previous vote I indicated my conviction that long guns ought to be included in the bill just as short guns are.

However, the Senator from Nevada [Mr. CANNON] a moment ago raised a question which I believe each of us ought to consider with deep seriousness.

The proposal is made that Congress pass a law which will not be uniformly applicable to the whole country, even though interstate commerce is the basis upon which the law would be passed.

First, can Congress pass a law that would be applicable only to a part of the States and not to all of them? The answer is obviously in the negative.

Second, if Congress cannot pass such a law, how can we, by indirection, achieve what Congress cannot do by direction?

That would be to say, in effect, that while a majority of Senators rejected the proposal that was generally applicable, we will now allow the will of the minority to become applicable in those States that do not want to comply with the uniform law.

I have been a Senator for 11 years, and I do not recall a single instance in which that issue has come before this body.

Mr. DODD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I will yield on the Senator's time.

Mr. DODD. It will only take a minute.

Mr. LAUSCHE. Will the Senator from Connecticut permit me to finish my statement?

Mr. DODD. I wish to answer the Senator's question. I do not know whether it has been in the last 11 years or not, but we have taken such action with respect to oleomargarine, television fights, and a number of other items. This is not the first time such a proposal has been suggested.

Mr. LAUSCHE. If that is the fact, I stand corrected. But I nevertheless do not abandon the position which I have taken.

Is it not a dangerous practice to allow laws of a Federal nature to be applicable only to a part of the country? Federal laws are supposed to be uniform in their operation, applicable equally to all individuals in all States. But in this instance, we would say that inasmuch as a majority of the Senate refused to adopt the Kennedy amendment, we will adopt a partial amendment by bringing to our cause Senators who represent States that do not want the law.

I believe this proposal is most dangerous. I repeat that while I supported the original Kennedy amendment, I think there is great strength in the argument of the Senator from Nevada that there is danger in permitting bills to be passed that, by the will of some States, can be applicable in all other States except those which seek to exempt themselves.

Mr. DODD. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, while I do not wish to enter into a debate or a controversy with my distinguished colleague from Ohio, because I think he makes a rather substantial point, I should like to present this thought: It is true that possibly if the amendment proposed by the Senator from Massachusetts had been agreed to, that would have been a better solution. But after all, we are confronted here with a diversity of opinion or point of view which is predicated upon well establish tradition. There are many States of the Union where traditionally long guns have been used freely and for good purpose. I am speaking now of the Western States.

It is true that in those States, they may not have had the same trouble we have had in some of the Eastern States, where we have areas of congested population, and where, in many instances, such guns have not been used for lawful purposes, but by gangsters, thugs, and criminals employing such weapons as sawed-off shotguns.

Only recently, we had an incident in my State where such a gun was used in a gangland killing.

Recognizing the sincerity of those who feel that we ought not to impinge upon the freedom of those States which wish otherwise, we ought also to recognize that there are many States of the Union where the situation is quite different and desire such a regulatory law.

The question is, How do we overcome this? Do we exempt States that do not want it, or do we oblige those States which do? I think that the vote awhile ago was a little overwhelming in indicating that the Senate does not feel that it ought to have a national scope law with respect to this.

I come from a State in which I believe the large majority of the people would like to have such a law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I yield 2 more minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 additional minutes.

Mr. PASTORE. Mr. President, the States that do not care to have the law apply to them could says so. Then it would not apply to them. No harm would be done to those States. However, States that would like to have the law applied to them can say so, and they can have the benefit of the statute. They can then work against gangsterism and hoodlumism and criminality. That is all this amounts to.

I realize that this question could be argued to and fro, and many questions of a legal nature could come up. However, as a practical proposition, we are confronted with the fact that the Senate of the United States said awhile ago: "You want it in Rhode Island, but you cannot have it because too many States do not want it."

Should there be that compulsion on the people of the State of Rhode Island?

The Senator from Connecticut [Mr. DODD] comes along, therefore, and says: "Let us do something different. Let us make it provide that a State can have it if they want it." I do not see anything wrong with that.

Mr. LAUSCHE. What difference would there be between that case and the case in which southern Senators ask that the civil rights bill not be made applicable to them, but be made applicable to the country as a whole?

Mr. PASTORE. I think it would be wrong to do that because we would be talking about humanity there and not about fighting gangsterism.

I hope that when we begin to promote the dignity of man, we do not confuse it with fighting gangsters. In one case we are talking about gangsters, and in the other we are talking about the dignity of man.

We ought to talk about the Constitution. I remember that the first thing I learned in high school was the Declaration of Independence and that all men are created equal.

We have an entirely different situation in the example cited by the Senator from Ohio. I hope that we do not get dignity of man mixed up with criminals.

Mr. LAUSCHE. Mr. President, will the Senator from Nebraska yield me 3 minutes?

Mr. HRUSKA. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 9 minutes remaining.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. LAUSCHE. Mr. President, the discussion thus far between the Senator from Rhode Island and me has divided itself into two parts. One relates to the uniformity of humanitarian treatment of the citizenry. The other refers to the uniform application of laws passed by the U.S. Congress.

Laws should be uniform. My fear is that if we begin to adopt the principle advocated here, intermittently there will be amendments before the Senate seeking to give States the right to exempt themselves.

When we divide the question into two parts, one on the basis of the humanitarian approach and the other on the basis of the uniform applicability of law, we must realize that we are dealing with two different things.

Laws must be uniform. If Nevada and North Dakota and South Dakota can be given the right to exempt themselves from the gun-control law, it follows, in my judgment, that Senators from the Southern States could offer amendments and say: "Our situation is different. We want to be immunized from Federal law." They would, therefore, ask that provisions be included in the bill to give them the privilege of exempting themselves.

I concede that the argument of the Senator from Rhode Island is sound. I would like the law to be applicable to all States. That is how it ought to be. We ought not to adopt a law in the United States and provide that it shall apply in some jurisdictions or Commonwealths and not in others.

That principle is completely contrary to every concept of law and justice that I know.

"Equal justice under law" is the legend over the door of the Supreme Court of the United States. Equal justice means equal justice to the individual and equal justice to the States, especially when the law is predicated upon the commerce clause of the U.S. Constitution.

Mr. PASTORE. Mr. President, will the Senator yield for a short observation?

Mr. LAUSCHE. I yield.

Mr. PASTORE. Mr. President, self-determination is justice. Self-determination is democracy. Self-determination has nobility.

Mr. LAUSCHE. That is why I say the Southern States could say, "We want self-determination." And I am against that.

Mr. PASTORE. We cannot have that self-determination in contravention of the Constitution of the United States, amendments 14 and 15.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, do I correctly understand that each side has 9 minutes remaining?

The PRESIDING OFFICER. Each side has 9 minutes remaining.

Mr. DODD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. DODD. The Senator from Nebraska cited the case of an individual who went to Toledo, Ohio, and bought a gun. The Senator said this was forbidden under the Federal Firearms Act. I do not believe that it is.

These are over-the-counter sales, and there is nothing in the Federal Firearms Act at present that would forbid a dealer in Toledo, Ohio, from selling any kind of weapon he wants to sell to anybody over the counter. And they do it.

As a matter of fact, the mayor of Detroit said they sold some 5,000 guns there in the period of approximately 1 year. Those guns were used in the terrible disturbances that took place in that city.

I do not think it is accurate to say that the Federal Firearms Act forbids such sales.

The Senator from Illinois argues that we are burdening State legislatures. I point out that we are burdened with a terrible problem in this country.

I am told that last year there were 600 firearms bills introduced and considered by the State legislatures of our country.

I think the States are aware of the problem, and I think that they are willing to take up the matter.

I do not think that the States consider it any great burden. It is easy to argue that this is a terrible task and a terrible burden. However, my answer is that we have a terrible burden of crime in this country, and I do not think that these very smooth arguments about our placing a burden on the States have much effect on the American people.

The American people are worried to death. They are buying guns like crazy every day. They are fearful. They do not want to have to buy guns. They want guns to be controlled.

If we do anything to make the Nation a country of pistol-packing people, the first thing we know the situation will be worse than it is now.

That is why all the polls indicate that 70 or 75 percent of the people of the country want strong gun legislation.

I have already answered as well as I could the argument of the Senator from Nevada. I said that I am told that we have on occasions done the same sort of thing with respect to liquor and prizefight films and oleomargarine, and I believe, cigarettes as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

May I request a short quorum call?

The PRESIDING OFFICER. Does the Senator from Connecticut yield back the remainder of his time?

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The Chair observes the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the distinguished senior Senator from Oregon [Mr. MORSE]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

I also announce that the Senator from Utah [Mr. Moss] is attending the 4th Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY] and the Senator from New Mexico [Mr. MONTOYA] would each vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from New York would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOL-

LINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay".

The result was announced—yeas 29, nays 54, as follows:

[No. 135 Leg.]

YEAS—29

Brewster	Kennedy, Mass.	Proxmire
Brooke	Long, Mo.	Ribicoff
Clark	McIntyre	Smathers
Cooper	Mondale	Smith
Dodd	Muskie	Spong
Fong	Nelson	Symington
Gore	Pastore	Tydings
Griffin	Pearson	Williams, N.J.
Hayden	Pell	Yarborough
Javits	Percy	

NAYS—54

Allott	Eastland	Mansfield
Anderson	Ellender	McClellan
Baker	Ervin	McGee
Bartlett	Fannin	McGovern
Bayh	Gruening	Metcalf
Bennett	Hansen	Miller
Bible	Hart	Mundt
Boggs	Hatfield	Murphy
Burdick	Hickenlooper	Randolph
Byrd, Va.	Hill	Russell
Byrd, W. Va.	Holland	Scott
Cannon	Hruska	Sparkman
Carlson	Jackson	Stennis
Church	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Lausche	Tower
Dirksen	Long, La.	Williams, Del.
Dominick	Magnuson	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Young of Ohio, for.

NOT VOTING—16

Aiken	Inouye	Morse
Case	Kennedy, N.Y.	Morton
Fulbright	Kuchel	Moss
Harris	McCarthy	Prouty
Hartke	Monroney	
Hollings	Montoya	

So Mr. DODD's amendment (No. 789) was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, the Committee on Commerce, and the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill, S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

AMENDMENT NO. 739

Mr. JAVITS. Mr. President, I call up my amendment No. 739 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated, but before the amendment is stated the Chair requests order in the Chamber. Senators will be seated before debate begins. The Chair is grateful for the cooperation of staff members recently, but the Chair wishes to remind staff members that they are here by permission of the Senate upon request of the Senators they serve. Staff members are not here to engage in conversation. Conversation will not be permitted except with the Senator who requests the staff member's presence.

The Senator from New York is advised that under the previous order 15 minutes remain to the Senator from New York.

The Senator from New York will be recognized after the amendment is stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 89, line 20, strike out "other than a rifle or shotgun,".

On page 90, between lines 15 and 16, insert the following new clause:

"(C) this paragraph shall not apply in the case of a shotgun or rifle (other than a short-barreled shotgun or a short-barreled rifle) of a type and quality generally recognized as particularly suitable for lawful sporting purposes, and not a surplus military firearm, which is shipped, transported, or caused to be shipped or transported, in interstate or foreign commerce by an importer, manufacturer, or dealer licensed under the provisions of this chapter to any person who has submitted to such importer, manufacturer, or dealer a sworn statement, in duplicate, in such form and manner as the Secretary shall by regulations prescribe, attested to by a notary public, to the effect that (i) such person is eighteen years or more of age, (ii) he is not a person prohibited by this chapter from receiving a shotgun or rifle in interstate or foreign commerce, (iii) there are no provisions of law, regulations, or ordinances applicable to the locality to which this shotgun or rifle will be shipped which would be violated by such person's receipt or possession of a shotgun or rifle, and (iv) that (title --------, Name ----------, and Official Address ----------) (blanks to be filled in with the title, true name, and address) are the true name and address of the principal law enforcement officer of the locality to which the shotgun or rifle will be shipped. It shall be unlawful for an importer, manufacturer, or dealer, licensed under the provisions of this chapter, to ship, transport, or cause to be shipped or transported, in interstate or foreign commerce any such shotgun or rifle unless such importer, manufacturer, or dealer has, prior to the shipment of such shotgun or rifle forwarded by United States registered mail (return receipt requested) to the local law enforcement officer named in the sworn statement, and the description (including manufacturer thereof, the caliber or gage, the model and type of shotgun or rifle but not including serial number identification) of the shotgun or rifle to be shipped, and one copy of the sworn statement, and has received a return receipt evidencing delivery of the registered letter or such registered letter has been returned to the importer, manufacturer, or dealer due to the refusal of the named law enforcement officer to accept such letter as evidenced in accordance with United States Post Office Department regulations, and has delayed shipment for a period of at least seven days following receipt of the notification of the local law enforcement officer's acceptance or refusal of the registered letter. A copy of the sworn statement and a copy of the notification to the law enforcement officer along with evidence of receipt or rejection of that notification, all as prescribed by this subparagraph, shall be retained by the licensee as a part of the records required to be kept under section 923(d). The Governor of any State may designate any official in his State to receive the notification to local law enforcement officers required in this subparagraph. The Secretary shall be notified of the name and title of the official so designated and his business address and shall publish the title, name, and address of that official in the Federal Register. Upon such publication, notification of local law enforcement officers required in this subparagraph shall be made to the official designated. The Governor of any State may request the Secretary to discontinue in his State or any part thereof the notification to local law enforcement officers required in this subparagraph. Upon publication of the request in the Federal Register, the notification to the law enforcement officers in the area described in the request will not be required for a period of five years unless the request is withdrawn by the Governor and the withdrawal is published in the Federal Register; and".

On page 90, line 16, strike out "(C)" and insert in lieu thereof "(D)".

Mr. JAVITS. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 8 minutes.

Mr. JAVITS. Mr. President, if I may have the attention of Senators, I think we can all get the feeling of what this amendment is about in short order. I explained the amendment in detail yesterday and I call the attention of the Senate to page 13345 of the RECORD of yesterday, the middle column, where my remarks begin.

The fundamental concept of this amendment is to pick up from the Hruska plan of control for handguns, which is the subject of his amendment upon which we will ultimately vote sometime today, and to apply it to shotguns and rifles which are, in the words of my amendment, "generally recognized as particularly suitable for lawful sporting purposes, and not a surplus military firearm." I am reading from my amendment No. 739, page 1, line 1 through page 2, line 8.

In short, this is a way to use the affidavit procedure. The affidavit is submitted to the seller of the gun, assuming it is an interstate sale, and the seller is required to send the affidavit to the local law enforcement official authorized to receive it. If he does not hear within 7 days, he can ship the gun. That is what it comes down to. That is what the Senator from Nebraska [Mr. HRUSKA] has argued in his amendment, with his customary skill, for some time, and we are familiar with that.

My amendment would do the same thing for long guns. That is all.

It is a compromise. I proposed it when

I was a member of the Judiciary Committee, and I also sat on the subcommittee of which the Senator from Connecticut [Mr. DODD] is chairman, when we then had a number of bills before us. The Hickenlooper bill was one with respect to this particular situation, which is essentially the fundamental philosophy that the Senator from Nebraska has, as well as the Dodd bill.

I made a strong effort, because I wanted gun legislation, and realized exactly what we would be up against, and we are up against it, and sought to compromise; to wit, that we would take the Dodd plan for handguns, which everyone agrees are hidden weapons and useful in crime, and we would take the Hruska plan for long guns. I do not know whether the Senator from Nebraska [Mr. HRUSKA] agrees on that. He does not wish any such regulations applied to long guns. That is my impression, but pick up the Hruska scheme for long guns and take the Dodd scheme for handguns.

What the committee did was to take the Dodd plan for handguns and leave out anything on long guns. That is what all this debate and all these efforts are about today.

In that compromise effort, I won in the subcommittee. It approved the plan, but it did not prevail in the Committee of the Whole, although the committee was practically evenly divided—eight members agreed with the compromise and the rest did not. Therefore it did not carry.

Now, Mr. President, why do I propose this matter now? It is a fact, and it is only fair to say, that there are two deeply conflicting philosophies which obtain here.

One philosophy is traditional American pride in the fact that a man should be entitled to own a weapon if he wants one without any encumbrances or difficulties. It is imbedded, as we know, in our traditions, and in the Constitution.

The other philosophy is the necessity, due to the burgeoning crime rate, which must sandbag us all because it is so serious, and the deep concern all over the country over what is going on. It has its aspects in the riots and the violence.

There is also tremendous concern on the part of the police who are faced with a riot in a city which may be based upon a racial problem, or a college problem, or some other problem.

The first thing the police want to know is, "Are there any snipers?" Once that has been ascertained, then a different order of magnitude prevails as to the character of the disturbance with which the police will have to deal.

Snipers, as we all know, use rifles and shotguns. It is a long gun operation. So when we couple that with the fact that 30 percent of murders are committed with long guns, we find a situation where there has to be some accommodation between the two philosophies. That is what is really taking place on the Senate floor today. The effort I am making to have my amendment adopted is an effort to find an accommodation between these two philosophies.

Now, whatever regulation there was, was really a small notice. It has properly come at this stage of debate because it is true that the Kennedy amendment was a much stricter form of regulation than the last amendment of the Senator from Connecticut [Mr. DODD], which was rejected by the Senate.

It is time to do something about long guns. In my judgment, if a Senator is inflexibly of the view that every American is entitled to a rifle and should be allowed to go down to the corner drugstore and buy it, or purchase it through the mail, then my amendment will not satisfy him. There is no use fooling about that.

But, it must be realized that we are living in a different society from the pioneer days of the 18th and 19th centuries, that a rifle is just as lethal today as it was then. That is a fact. I do not think anyone can controvert it. If we take even the most extreme figures, say, of 90 percent murders with handguns, that still leaves 10 percent. We say 30 percent. The figures bear that out, as will the various analyses now on Senators' desks—it would indicate that in States where there are controls, there seems to be less incidence of crime by the use of firearms in a material way—by one-third to one-half.

Therefore, I say, I cannot hope to satisfy men with this amendment who feel that it is an inalienable American right to own a gun and they are not going to touch it so far as the long gun is concerned. But I would point out that the minute we are willing to do something about hand guns, in view of the fact that—and it is a fact—that long guns are used in the same way, not so often, but in the same way, as I point out, its particular character in respect to what we are so concerned about now—to wit, riots and civil disturbances, where long guns seem to be the key as to whether it is or is not a riot or a civil disturbance, is a critical question for the police.

From all my information, what has been discussed here, and what has been going on, this is really an effort to compromise. It is not inhibitive. At the same time, it is not politically permissive. An affidavit for a long gun must be certified as to the facts and it can be held against one upon a given occasion. Then the law enforcement officials will know in every town who has a rifle, which they do not know today, which is itself a very useful piece of information. As we all know, when the police blockade an area, they will tell us——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask for an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. The police will tell us everything that is in that area. One of the things they should be able to tell us is how many rifles are in that area, as well as handguns, so that they will know what kind of situation to face in the event of a civil disturbance.

It is on that ground, without laboring the issue unduly, that I feel this is a fair middle ground between the two philosophies. A fair middle ground is essential, in view of the urgent problems which face the country, not only present but also prospectively. I hope that inasmuch as such a large number of members of the Judiciary Committee itself saw the value of this compromise, a majority of Senators will see it also.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I would like to comment on the amendment offered by the distinguished Senator from New York [Mr. JAVITS] to title IV of S. 917.

This body is well aware of my views on the need for stringent and effective gun control legislation. I need not reiterate my efforts over the last 7 years to place before the Senate a gun control proposal that is stringent, enforceable, and just.

Any comprehensive gun control measure that the Senate adopts must include controls over the acquisition of mail-order rifles. We should not bow to the blandishments of the firearms lobby, which has vehemently fought to strip from any comprehensive gun control measure restrictions on rifles and shotguns.

There is absolutely no justification for excluding from the Federal law the weapons which have been used in this the age of snipers to gun down a President, to sustain rioting in our cities and to take the life of Dr. Martin Luther King.

The Juvenile Delinquency Subcommittee's lengthy hearings of 1965 and 1967 have documented at least to my satisfaction that long arms, rifles, and shotguns, are not only the weapon of the sportsman, but are also the tool of criminals. I would add that law enforcement concurs with my view in this regard as attested to in those hearings.

The subcommittee considered this long arm issue carefully both during consideration of S. 1592 during the 89th Congress and S. 1 and amendment No. 90 to S. 1, during this Congress.

A majority of the subcommittee felt that there should be controls over the acquisition of mail-order rifles and shotguns, but as my colleagues now know, the Judiciary Committee did not concur with those views and thus rifles and shotgun proscriptions on the mail-order traffic were deleted from what is now title IV.

I believe that rifle and shotgun controls should be restored by this body and I cannot emphasize that enough.

It is in this regard that I commend the Senator from New York for offering an amendment to title IV that would restore a measure of control over mail-order rifles and shotguns, and a measure, I might add, that would be helpful in controlling their acquisition.

I, of course, have urged this body to completely prohibit the interstate mail-order sale of rifles and shotguns to nonlicensed individuals. In so doing, I have stated that I believe that any responsible person should be willing to shoulder the slight inconvenience of ordering such a weapon from a local dealer.

In view of the fact that this body has not concurred with my judgment in this regard, I am certainly amenable to and wholeheartedly support the amendment

now offered by my colleague from New York.

In effect, the distinguished Senator's amendment would control mail-order rifles and shotguns in the same manner that the subcommittee proposed during consideration of S. 1592.

I of course refer to the notarized affidavit and notification to local law enforcement provision as a means of regulating the acquisition of mail-order rifles and shotguns.

It is noteworthy in considering this amendment, that it provides that a person completing the notarized statement be 18 years of age.

One of our prime concerns has been the ease with which juveniles can and do acquire mail-order guns.

This amendment insures that persons purchasing mail-order rifles and shotguns are not juveniles, but persons of 18 years of age or older.

Juvenile crime, and especially armed crime, is increasing in America each year, and unless this Congress makes every reasonable effort to curb the availability of firearms to juveniles, then we cannot hope to make inroads into this problem.

Mr. President, I support my colleague from New York in his effort to reduce armed crime by America's youth and I urge this body to give favorable consideration to his amendment and to adopt it.

However, I am worried about one point, that is the 7 days. I wonder if that will ever work. Will it be possible to get this thing properly cleared through the law enforcement authorities? I wonder what the Senator from New York thinks about that.

Mr. JAVITS. I think 7 days is adequate for a matter of this character. In a big city like New York, for example, in all likelihood there will be a breakdown by counties with respect to the officials handling it. In other areas, perhaps other sectional arrangements will be required.

Frankly, I made the time as short as humanly possible because I wanted people to feel there is no great interference with their ability to buy; so long as they are law abiding and honest citizens there is nothing to be ashamed of. In fact, they are proud of it. That is the whole intent. It is not the same as was involved in the vote against the Dodd amendment and again the Kennedy amendment. People who attribute a certain manliness to the fact that they own a weapon, are not concerned about letting the world know they have guns, but those who have reason to be concerned are going to be much more cautious about buying guns when they can be identified.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 minute.

That is the situation as I see it. I would rather leave it at 7 days. I think it can be managed.

I am grateful for the support of the Senator from Connecticut [Mr. DODD], which he gave me originally. He was a party to it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Three minutes.

Mr. JAVITS. I yield myself 1 minute, and yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, yesterday I was persuaded by the argument of the Senator from Massachusetts against the proposal of the Senator from Nebraska [Mr. HRUSKA] that 7 days was a totally inadequate time for the local officials to make adequate investigation concerning the truth or falsity of the information set forth in the affidavit. Figures were submitted by the Senator who made the argument, and I believe the Senator from Maryland also discussed the subject, that to make an adequate investigation of the truth of the affidavit could not be done in the 7-day period. It was pointed out that in Chicago and Detroit, I believe, 5,000 guns a week are purchased and that the State government or local government simply could not investigate 5,000 affidavits. They simply could not do it.

Mr. JAVITS. Mr. President, may I answer?

Mr. LAUSCHE. Yes.

Mr. JAVITS. My answer is that the type of regulation I have in mind——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, may I ask unanimous consent to have 2 minutes added to my time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield myself 2 minutes.

The scheme that I have in mind is different from that of the Senator from Massachusetts [Mr. KENNEDY]. Under it we could not stop the sale or shipment. The most that would happen in the 7 days would be that the police official would be able to tell the gun seller, "Look, you are selling a gun to a fellow that is a crook, and we hope you will not do it." That is all that happens under my amendment. The authorities can pick that up, because they know the known criminals, crooks, et cetera. As to the investigation that would follow, they could take all the time they wanted. If they wanted to prosecute someone for a false affidavit, they could take 6 months.

The scheme I have in mind lends itself to 7 days, whereas, if there were to be veto power over the shipment, it is true that 7 days would be inadequate. That is my answer. It is a different scheme.

Mr. LAUSCHE. The argument made yesterday was tremendously effective that 7 days would be inadequate to make an investigation.

Mr. JAVITS. To do what the Senator from Massachusetts [Mr. KENNEDY] wanted done under his amendment, but for my purpose, it is adequate, and that is to flag the criminal. The authorities can do it because they have records. As to the longer investigation for perjury, the authorities are not limited to 7 days.

Mr. LAUSCHE. Then, I understand the Senator's amendment is better than what was discussed yesterday, because his amendment would only enable the police to know that known criminals were attempting it, but as to the many others who were not known criminals, the sales would go through.

Mr. JAVITS. That is correct.

Mr. LAUSCHE. I think that is reasonable.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes. I shall talk only briefly.

I again call to the attention of my colleagues the fact that this amendment does not apply to amendment No. 708. It would apply to title IV of the bill, which the committee reported by a vote of 9 to 7.

It is my hope that the amendment will not be agreed to.

I respect the Senator from New York for his sincerity and his eagerness to achieve acceptable and workable legislation, but I do not believe the material contained in his amendment would be consonant with the objective sought in amendment No. 708.

First of all, I want to say that amendment No. 708 is not based upon the idea that everyone who is qualified under applicable law is entitled to a rifle, shotgun, handgun, or pistol. The opposition to the amendments which have already been voted upon, and the opposition to the amendment offered by the Senator from New York, is not based on the idea that there is an absolute right for everyone to have a gun. Under present law as amended by amendment No. 708, it would be illegal for any shipment to go into a State in violation of the law of that State. If the law of that State requires that there be a permit or license, then the mail-order vendor would have to have a copy of that permit or license before he could send the weapon into that State.

The same thing applies in the case of the buyer. The buyer could not receive a gun in his own State if the receipt of that gun would be in violation of the law of that State. So it is not an absolute right.

There is one additional objection to the amendment of the Senator from New York. Yesterday some Senators spent much time arguing against the presale affidavit procedure contained in amendment No. 708 as it applies to handguns. The burden of that argument was that the police would not enforce it.

I do not agree that the police cannot enforce the law through the use of a presale affidavit. However, I admit it does place a burden on the police. But the idea is that with the limitation on handguns alone, we will determine how great that burden will be. We know it will be great, but it will be more than double that if it is applied to long guns.

I say, let us deal with the real offender, as amendment No. 708 does. The real offender is the one who uses the handgun. It is said that 20 percent or more of crimes are still committed with shotguns and rifles, and I do not disregard that figure—but I mean to say that the impact of this legislation, and particularly the impact of this amendment, will not, in my opinion, reduce that crime rate or statistic. On the other hand, it will interfere with the more efficient functioning of amendment No. 708 as it applies to the presale affidavit procedure with respect to short guns.

I ask my colleagues to reject this amendment as they have the previous amendments.

Mr. JAVITS. Mr. President, I yield myself 2 minutes just to say this to the Senator from Nebraska: I am not going to ask the Senator to answer me, but I would point out that if the Senator agrees with this amendment, which is not at all inconsistent with the Senator's amendment, and fits into it, if he wishes to take it, I believe the likelihood is that this is what is going to happen anyway, whether we stay with the committee or whether the Senate agrees to the Hruska amendment.

In this case, with respect to the Hruska amendment, the Senate is voting on something very substantive, because if the Senate says, "We want something," even a very mild form of notice with respect to this long gun business, this is where they are going to get it, and this is the only place they are going to get it, and I predict we will either get it either on the bill itself or on the Hruska amendment. It fits completely with it. I would propose it as an amendment to the Hruska amendment, but I am not for the Hruska amendment, as I think I have made clear, because I believe more tight regulation is needed. But I have never been so little of a lawyer that I would not try to find a way out where practical men have a deep difference in philosophy, as they have here.

I say to Senators, in all due respect, this is a substantive question, and if we decide to do at least this, it will get into this bill, I feel sure of that, and I am sure everybody else does.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, this is the third attempt to do something about long guns—the first one quite strict, the second a backdoor effort, and now a compromise effort.

I notice, in going through the amendment, of course, there have to be rules and regulations; there has to be an affidavit; things have to be published in the Federal Register; these are all of the various requirements, like return by registered mail, but I noticed yesterday when I was out home that, I think it was the last or nearly the last day for registration of firearms in the city of Chicago, and I am not sure that I have the figure correctly in mind, but I thought they said 163,000 guns had been registered.

All those people have got to go down and register, and make out a form, and probably swear to it. Now the Illinois Legislature is dealing with the same problem, in the form of a statute for the State. The distinguished president of the Illinois Senate was here, and he testified on the bill in the subcommittee. He expressed a preference for the substitute that has been offered by the distinguished Senator from Nebraska.

But it looks to me as though this is just another effort to encumber this thing, and make it difficult, even though on its face it seems to have appeal. I am of the opinion that it ought to be voted down. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE (when his name was called). Mr. President, on this vote I have a pair with the distinguished senior Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE] is absent on official business.

I also announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Oklahoma would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from New York would vote "yea," and the Senator from Arkansas would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Florida would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE], is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 28, nays 52, as follows:

[No. 136 Leg.]

YEAS—28

Bayh	Long, Mo.	Ribicoff
Brooke	McIntyre	Scott
Byrd, W. Va.	Mondale	Smith
Clark	Nelson	Spong
Dodd	Pastore	Symington
Fong	Pearson	Tydings
Gore	Pell	Williams, N.J.
Griffin	Percy	Williams, Del.
Javits	Proxmire	
Kennedy, Mass.	Randolph	

NAYS—52

Allott	Ellender	Mansfield
Anderson	Ervin	McClellan
Baker	Fannin	McGee
Bartlett	Gruening	McGovern
Bennett	Hansen	Metcalf
Bible	Hart	Miller
Boggs	Hatfield	Mundt
Burdick	Hayden	Murphy
Byrd, Va.	Hickenlooper	Russell
Cannon	Hill	Sparkman
Carlson	Holland	Stennis
Church	Hruska	Talmadge
Cooper	Jackson	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Young, N. Dak.
Dirksen	Lausche	Young, Ohio
Dominick	Long, La.	
Eastland	Magnuson	

PRESENT AND ANNOUNCING A LIVE PAIR

Muskie, for.

NOT VOTING—19

Aiken	Inouye	Morton
Brewster	Kennedy, N.Y.	Moss
Case	Kuchel	Prouty
Fulbright	McCarthy	Smathers
Harris	Monroney	Yarborough
Hartke	Montoya	
Hollings	Morse	

So Mr. JAVITS' amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BENNETT. Mr. President. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah is recognized.

The Senator will not proceed until the Senate is in order. Senators will take their seats. The Senate will be in order.

Senators in the rear of the Chamber on the majority side will please take their seats.

The Senator from Utah is recognized.

AMENDMENT NO. 794

Mr. BENNETT. Mr. President, I call up my amendment No. 794.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 107, between lines 2 and 3, insert the following new title:

"TITLE V—USE OF FIREARMS IN THE COMMISSION OF CERTAIN FELONIES"

SEC. 1001. (a) Part I of title 18 of the United States Code is amended by adding immediately after chapter 115 the following new chapter:

"CHAPTER 116.—USE OF FIREARMS IN THE COMMISSION OF CERTAIN FELONIES

"Sec.

"2401. Definitions.
"2402. Use of firearms in the commission of certain felonies.

"§ 2401. Definitions

"As used in this chapter—

" 'Crime of violence' means any of the following crimes: arson; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; embezzlement and theft; kidnaping; killing certain officers and employees of the United States; murder, voluntary manslaughter; narcotic offenses punishable by a prison term exceeding one year; Presidential assassination, kidnaping, and assault; rape; racketeering and extortion; robbery and burglary; sabotage; treason and sedition; rebellion and insurrection; seditious conspiracy; and advocating the overthrow of the Government.

" 'Firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun.

" 'Destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

" 'Handgun' means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand.

" 'Shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

" 'Rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"§ 2402. Use of firearms in the commission of certain felonies

"Whoever, while engaged in the commission of or an attempt or conspiracy to commit any offense punishable under this title which is a crime of violence, employs, displays, carries upon his person, or possesses under his custody or control at or in the vicinity of the place at which such offense is committed or attempted or at any place at which any act in furtherance of such conspiracy is performed by such person, any firearm shall, upon conviction of such offense, attempt, or conspiracy, be punished for his first offense under this section by a fine of not more than $5,000, or imprisonment for a term of not more than five years, or both, and for any subsequent offense and conviction under this section by the same person by a fine of at least $5,000 but not more than $10,000 and imprisonment for a term of at least five years, but not more than ten years, or both. The punishment so imposed under this section shall be in addition to the punishment provided by law for the offense, attempt, or conspiracy for which such person was so convicted."

(b) The analysis of part I of title 18, United States Code, is amended by inserting immediately before the last item the following:

"116. Use of firearms in the commission of certain felonies_____ 2402".

Mr. BENNETT. Mr. President, I appreciate the opportunity to cosponsor the Hruska amendment No. 708, on firearms legislation. I commend the distinguished Senator from Nebraska for his role in this critical legislative battle.

In considering firearms legislation, Congress faces the very difficult task of resolving the vital question of freedom versus Government controls. Related to this dilemma is the unfortunate and very perplexing crime situation in the United States.

Before any gun legislation is passed, I think it is necessary that Congress define and understand the issue of constitutional rights as they apply to firearms. There has been considerable emotional appeal both for and against gun legislation. Much of this has been centered around the deaths of President Kennedy and Martin Luther King, Jr. In the process, however, we cannot ignore the second amendment to the Constitution. May I, for the purpose of my statement, define what I think this amendment means? It reads:

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

THE RIGHT TO KEEP AND BEAR ARMS

Unfortunately, this amendment is shrouded in controversy. Some people have taken the position that the amendment guarantees the right to keep and bear arms only to the militia. This, Mr. President, I believe is both mistaken and dangerous. The amendment states that "the right of the people to keep and bear arms shall not be infringed." It does not state that the right of militia or National Guard, or the Army Reserve, to keep and bear arms shall not be infringed. Consequently. I believe that Congress must accept the amendment for what it really says and for what it intended to say. The people themselves have been guaranteed the right to keep and bear firearms. Thus, any proposed gun legislation which comes before us must be considered in this context. I do not believe that we are dealing with a hazy indefinite provision such as the "general welfare" or the "interstate commerce clause." We are talking about a specific limitation upon the powers of Government and a specific right of the people.

POLICE STATE CONTROLS

I wish to emphasize that the Senate and Congress are dealing with crucial and long-range issues in firearms regulations. Precedents will be set that could be used in future years to affect seriously the nature of our Republic and the rights of our people. We must realize that control of the ownership of firearms carries with it the inherent future possibility of police-state controls. This requires a great deal of wisdom, understanding, and thoughtful consideration.

Conversely, we now face, Mr. President, a crime situation in this country which is fast becoming the greatest scourge of our national life. Some of it, perhaps a good part of it, is perpetrated by the persons misusing firearms, particularly handguns. Thus, as crime rates skyrocket each year, there is a requirement and an obligation by Congress and by the States to protect the general public from those elements in society who abuse it and perpetrate acts of violence against our citizenry. I believe that the Hruska amendment is the best answer to these dual problems of constitutional rights and and skyrocketing crime rates.

GUNS ARE NOT THE CAUSE OF CRIME

Let me say very clearly and emphatically that we, as a legislative body, should not blame a gun itself for any crime or any acts of violence, any more than we can blame a pen for misspelling a word. The time has come when Congress and the American people must face up to the fact that crime itself must be attacked, reduced, and punished, and its causes must be identified and eradicated.

We must realize, as I am sure most people do, that crime in this country if not encouraged by many recent Supreme Court decisions is at least made easier. We must further realize that many procedures and practices used by the courts are turning criminals loose to perpetrate a second, third, and even a fourth crime while out on bond or parole for an earlier conviction or arrest. We must realize that the attitude taken by certain elements in our society that these people are sick and therefore not guilty is one reason why we have such a growing crime rate.

The point I am trying to make, Mr. President, is that there are many causes of crime, and to blame it entirely upon the ownership and possession of a handgun or a long gun is to force upon the general public a mistaken piece of legislation and to limit unjustly, and I believe in a dangerous manner, a constitutional right. I will support moderate firearms legislation that will control effectively sales of guns through mail-order houses to youngsters, to incompetents, and to criminal elements where they can be identified. I do not believe that in this category Congress should include rifles or shotguns, with the exception of sawed-off shotguns. Of course, such weapons as machineguns and other nonsporting weapons should be carefully regulated. I think the Congress in this legislation should place the blame where the blame really belongs. We should write into any bill stern and severe

penalties for the misuse of firearms and make doubly certain that persons found guilty of offenses are not allowed once again to perpetrate further crimes of violence upon our law-abiding citizens.

In this context I believe that any legislation passed by the Congress should also contain severe penalties for the misuse of firearms in the commission of felonies covered by Federal law. Therefore, I am offering an amendment to this effect.

The purpose of this legislation is twofold. Under the provisions of the bill and most of the amendments, individuals convicted of illegally selling or purchasing a firearm are subjected to severe penalties. This, I think, is reasonable and acceptable to most Americans. On the other hand, for example, a person who has in his possession a firearm and uses it in robbing a U.S. Government insured bank or killing someone on a Federal reservation or Federal property is not penalized for the misuse of that firearm. I think no one can deny that the misuse of a firearm is a graver threat to the peace and tranquillity of law-abiding citizens than is the illegal sale or purchase of a firearm.

A second reason for my amendment is to serve as a model to the 50 States should they wish to adopt strong penalties for firearms misuse themselves. My amendment is carefully worded and so drafted that State and local jurisdiction will not be affected. The felonies herein described are felonies which fall under the jurisdiction of the United States.

Under my amendment persons convicted for the first offense of Federal crimes, wherein firearms were used would be punished by a fine of not more than $5,000 or imprisonment for a term of not more than 5 years, or both. This provision has a great deal of flexibility and will allow courts and judges to impose fines less than 5 years and $5,000 on the first offense if the occasion calls for such leniency. Under this provision courts dealing with first offenders would not be required to impose the maximum penalty.

The second provision is aimed at the person convicted of a Federal felony for the second or subsequent time. Thus, anyone convicted of a subsequent offense under the amendment would be subjected to a fine of at least $5,000 and not more than $10,000 and imprisonment for a term of at least 5 years and not more than 10 years, or both. The complete flexibility which existed under the first offense is thus generally removed from the second conviction. I feel this is necessary and justified because much of our crime in this country is committed by individuals who are repeat offenders. The law-abiding citizens of America must be given protection from repeat offenders and my amendment will go far in providing it, insofar as those crimes involve the use of guns.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. TYDINGS. It is my understanding that amendment No. 794 is a perfecting amendment to title IV.

Mr. BENNETT. That is my understanding, also.

Mr. TYDINGS. And that, basically, it would increase the penalties for the commission of certain enumerated crimes on Federal property or Federal reservations, by increasing the punishment by fine and imprisonment and by setting a minimum punishment for second and subsequent offenses for the commission of certain crimes.

Mr. BENNETT. It sets both a minimum and a maximum. The Senator is correct.

Mr. TYDINGS. So that it relates only to the penalties for the commission of a Federal crime with the use of a firearm.

Mr. BENNETT. In which a firearm has been used.

Mr. TYDINGS. And it is my understanding that it is not intended to be a substitute for title IV.

Mr. BENNETT. Mr. President, I have discovered an error in the printing of the amendment. It is to be inserted between lines 4 and 5 on page 107, instead of between lines 2 and 3. I ask that the amendment be so modified.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The amendment will be so modified.

Mr. BENNETT. It also shows reference to title V. The amendment, of course, refers to title IV. I ask that that correction be made.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. BENNETT. I yield.

Mr. LAUSCHE. With respect to the specific crimes for which the Senator's amendment proposes to increase the severity of the penalty, will the Senator, for my information, state what the present penalty is and what his increased penalty would be?

Mr. BENNETT. I do not have a record of the present penalties for the crimes referred to, which effectively include the commission of a bank robbery, interstate kidnapping, or murder on a Federal reservation; but I am certain I can get that information.

Mr. LAUSCHE. What would the penalties be under the Senator's proposal?

Mr. BENNETT. Under my proposal, for a first offense the judge would be permitted to impose a fine of up to $5,000 and imprisonment for up to 5 years, at his discretion.

For the second offense it sets a minimum sentence of a fine of $5,000, and imprisonment for at least 5 years but not more than 10 years. So it is a mandatory sentence for a second or subsequent offenses but it is a permissive sentence for the first offense.

Mr. LAUSCHE. With regard to the first offense, the judge would have complete discretion; is that correct?

Mr. BENNETT. The Senator is correct.

Mr. LAUSCHE. For the first offense the judge would have complete discretion in determining the monetary fine or length of imprisonment.

Mr. BENNETT. The Senator is correct; up to 5 years and $5,000.

Mr. LAUSCHE. But on the second offense the sentence would be mandatory.

Mr. BENNETT. The Senator is correct, within limits. It would have to be mandatory with respect to at least a fine of $5,000 and imprisonment for at least 5 years, but not more than $10,000 or 10 years.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. NELSON. In a casual reading of the bill, there is something that bothers me a little. On page 2, at the end of the first paragraph, there is included "advocating the overthrow of the Government."

Then, on page 3, if I interpret the bill correctly, it is provided that if a person advocates the overthrow of the Government and at the time he advocates it has in his possession a gun, or on the premises, a gun under his control, that that constitutes a felony and meets the standards of this bill for punishment.

Mr. BENNETT. That was not my intention in connection with "advocating." These definitions are general definitions taken out of the general law. It is my intention to involve only active crimes involving violence with the use of a gun.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENNETT. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. BENNETT. I would be happy to eliminate the words on page 2 "seditious conspiracy; and advocating the overthrow of the Government."

Mr. NELSON. Is the Senator proposing to eliminate that language?

Mr. BENNETT. Yes.

Mr. NELSON. Someone might have a political rally outside his home and there might be a gun in the house.

Mr. BENNETT. I had not realized that implication.

I would be happy to withdraw that language.

The PRESIDING OFFICER. Does the Senator modify his amendment?

Mr. BENNETT. I do modify my amendment by eliminating from page 2, lines 11, 12, and 13 the words: "seditious conspiracy; and advocating the overthrow of the Government."

The PRESIDING OFFICER. The amendment is so modified.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, again, this is not an amendment to amendment 708, but to title IV of the bill.

I am most heartily in sympathy with the objective of the Senator from Utah. I know of no Senator who is more deeply concerned about the present deterioration of law and order than the Senator from Utah. I am confident that he and most other Senators have found that the No. 1 concern within their home States is the problem of crime, the increase in crime, and the methods with which to deal with crime.

Therefore, I wish to commend the Senator for his efforts in fashioning the amendment we are considering. The amendment is carefully drawn because

the Senator has limited it to Federal crimes in which firearms are misused. He does not impose a mandatory sentence in the initial instance. It is only in the repeat offenses that there is the mandatory feature.

Mr. President, the Committee on the Judiciary has considered from time to time mandatory sentence situations. They are a most difficult subject to justify and to put into effect. All of the arguments against mandatory sentences would apply to the amendment which the Senator proposes. There are many of them.

There are three or four reasons why I doubt very much that the effect intended and sought by the distinguished Senator from Utah would be achieved by this amendment. First of all, the mandatory sentence may be unjustified by reason of the man's record, and extenuating circumstances. In cases where it would be unjustified it is difficult to get a prosecuting officer to prefer a charge that would subject the man to a mandatory sentence. Therefore, the alternative is used. Instead of putting a charge against the man for that offense, a soft charge is made.

Then, we have a second approach. Where the court might see that a mandatory sentence would be unjust, he looks for possible technicalities to insure that the sentence is not imposed. I do not intend to attack or to justify the practice, but it is the fact of the matter. So excuses are sought and the end result will not be that which the Senator so earnestly and sincerely seeks.

One of the other undesirable attributes of a mandatory sentence is that there is a restraining and stifling influence on the corrections and rehabilitation procedure. The judge has no alternative himself but to impose that sentence, although a man might be ready for discharge because he has been rehabilitated and has changed his viewpoint.

That is the reason why in amendment 708 the penalties for violation of the National Firearms Act and the Federal Firearms Act are increased to up to 10 years in prison or $10,000 fine or both. It is subject to the indeterminate sentence procedure, and then we can get away from the harsh effects approach by mandatory sentence.

I wish to make one other reference. This matter is also subject to consideration by the National Commission on Revision of the Federal Criminal Code. We are going into the matter of mandatory sentences in great depth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, we are going into the matter in depth.

I would trust that we would be willing to go along on these two propositions. First, the Committee on the Judiciary considered this approach and discarded it; second, it is the subject of study, and we hope something can be done within the moderate approach to to penology which will be useful in this area.

I wish to make one additional observation with respect to what is an increasing realization by many people in America: What is involved is not so much a matter of added criminal penalty; it is a matter of getting an increasing percentage of convictions for crimes committed. That will be the real deterrent. We can make the penalty three times as great but unless we succeed through law enforcement channels and criminal justice to increase the rate of convictions, we will not make progress.

I commend the Senator for bringing up this measure but I would hope that we would leave it for another day for consideration.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. LAUSCHE. What is the Senator's opinion, on the basis of his broad experience, about the course followed generally by the courts, and especially the Supreme Court, in the ability to get more convictions, which is the ultimate goal in trying to bring people to the understanding that law and order must prevail?

Mr. HRUSKA. I should like to reply to that question in this fashion: I support titles II and III of S. 917. They spell out my position well, because both will deal with some of the harmful effects of the Supreme Court's decision in this field. Title III is an effort to comply with the decisions of the Supreme Court declaring that wiretapping is constitutional if properly controlled. Title II deals with confessions, eyewitness testimony, and so forth.

Accordingly, I would say that recent developments in jurisprudence in this country will be dealt with constructively by titles II and III. I hope it will result in a higher rate of convictions in those cases which warrant conviction.

Mr. LAUSCHE. Yes. In those cases which warrant conviction, they should be had, and convictions should not be prevented by tenuous and sophisticated philosophies as expressed by the Supreme Court about the rights of criminals and the absence of rights for innocent citizens.

Mr. HRUSKA. The Senator makes a meritorious observation.

Mr. BENNETT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 2 minutes.

Mr. BENNETT. Mr. President, I am not a lawyer, but I realize that problem the Senator from Nebraska has presented on the question of a mandatory sentence. I do not know of any other way to underscore the problem that we face in the misuse of firearms than to indicate that it is the feeling of Congress the sentences for the commission of crimes in which firearms are used should properly be longer and more difficult than those in which firearms are not used.

If by adoption of the amendment we are actually going to come up with fewer convictions, in fact fewer indictments, then, of course, I would not want to be responsible for that. But I think that the fact the amendment was offered and is in the record will serve to notify the country that we feel we cannot solve the firearms problem merely by trying to control the sale of firearms but that we must consider the punishment of crimes committed with firearms.

Mr. President, I shall not ask for a yea-and-nay vote, but I hope that the Senate will at least express itself on my amendment.

I am prepared to yield back the remainder of my time.

Mr. DODD. Mr. President, I want to ask a few questions. I am somewhat confused. I should like to refer to the mimeographed sheet which describes the Bennett amendment. As I read it, it says that no individual may use a firearm in the commission of a bank robbery, kidnaping, or murder, on a Federal reservation, and that misuse of a firearm in the commission of such felonies is not now prohibited by law.

I think I am right when I say that in the commission of a bank robbery, if the robber uses a firearm, there is an additional penalty involved.

Mr. BENNETT. I was not able to get that information. Can the Senator give me the reference?

Mr. DODD. It is title XVIII, section 2113. Under that section, a person who commits a bank robbery by armed force is subject to a penalty of 25 years in prison and/or a fine of $10,000, or both. The general penalty provision for the commission of a bank robbery is 20 years and a $5,000 fine. So that there is an additional penalty there.

Mr. BENNETT. That is not mandatory. That is within the discretion of the court.

Mr. DODD. No; it is not mandatory. I do not say that it is mandatory. I thought the Senator would be interested in that point. I am not trying to split hairs but I thought it would sustain the position of the Senator from Nebraska [Mr. HRUSKA] on the mandatory sentence question. The Senator from Utah might consider that in offering his amendment.

Mr. BENNETT. I had not known of that difference. That reference is, I suppose, only to this one crime and does not apply to kidnaping across State lines——

Mr. DODD. I do not think so.

Mr. BENNETT (continuing). Or to murder on a Federal reservation.

Mr. DODD. No; but I knew that there was an additional penalty involved for using a gun in a bank robbery.

Mr. BENNETT. I appreciate the fact that the Senator has supplied this information for the record.

Mr. President, I am prepared now to yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the pending amendment has now been yielded back. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

AMENDMENT NO. 744

Mr. BROOKE. Mr. President, I send an amendment to the desk and ask that it not be read but lie on the table.

I rise to a point of clarification. I have

an amendment which I will not call up until I can get clarification——

The PRESIDING OFFICER. Who is yielding time? Time is under control now. Who is yielding time?

Mr. HRUSKA. The Senator from Massachusetts has an amendment.

The PRESIDING OFFICER. But the Senator has not offered it.

Mr. BROOKE. Mr. President, I call up my amendment and yield myself such time as I may need.

The PRESIDING OFFICER. That will require unanimous consent.

Mr. BROOKE. I ask unanimous consent that my amendment may be called up.

The PRESIDING OFFICER. Will the Senator please identify his amendment?

Mr. BROOKE. This amendment is numbered 744.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read, as follows:

On page 91, line 8, after the word "State" insert a comma and the following: "except that this clause shall not prohibit an individual engaged in a bona fide change of residence from one State to another from transporting to his new State of residence any firearm which said individual has lawfully purchased or possessed in his former State of residence, if it is lawful for said individual to purchase or possess such firearm in his new State of residence;"

Mr. BROOKE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Massachusetts may proceed.

Mr. BROOKE. Mr. President, I think that I may be able to avoid asking for the yeas and nays on my amendment merely by asking one question of the distinguished Senator from Connecticut for clarification.

I refer the Senator to section 922(1)(3) of the bill and ask whether that language prohibits an individual engaged in bona fide change of residence from one State to another——

Mr. DODD. Mr. President, there is so much noise in the Chamber that I cannot hear the Senator from Massachusetts.

The PRESIDING OFFICER. The Senate will please come to order. There are too many attachés in the room. Will the Senate please come to order so that the speaker may be heard.

The Senator from Massachusetts may proceed.

Mr. BROOKE. I ask the Senator from Connecticut whether that language prohibits an individual engaged in a bona fide change of residence from one State to another to transport any firearms which said individual has lawfully purchased or possesses in his former State of residence and if it is reasonable for said individual to purchase or possess such firearms in his new State of residence.

Mr. DODD. I do not want to burden the Senator, but would he be good enough to repeat the question? I do not fully understand it.

Mr. BROOKE. I am sorry. I did not hear the Senator.

Mr. DODD. Will the Senator repeat the question? Either I did not fully hear it or I do not understand it.

Mr. BROOKE. My question was whether, under section 922(1)(3), the language contained therein would prohibit an individual engaged in a bona fide change of residence from one State to another transporting to his new State of residence any firearm which said individual had lawfully purchased or possessed in his former State of residence; if it would be lawful for such individual to purchase or possess such firearm in his new State of residence.

Mr. DODD. It is my understanding that under that section it will not be unlawful.

Mr. BROOKE. In other words, if it is lawful to own a firearm in State A and it is lawful to own a firearm in State B, and an owner of a firearm gives up his residence in State A and moves to State B, he is not prohibited under this language from carrying the firearm from State A to State B?

Mr. DODD. That is correct.

Mr. BROOKE. He does not have to divest himself of that firearm when he moves from State A, if it is permissible for him to own firearms in State B, his new State of residence?

Mr. DODD. The Senator is correct.

Mr. BROOKE. I thank the Senator.

I yield back my time.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. Yes.

The PRESIDING OFFICER. The Senator from Nebraska has control of the time.

Mr. HRUSKA. I yield 3 minutes.

Mr. TYDINGS. Mr. President, in further clarification of the point raised by the Senator from Massachusetts, it is my understanding—and I would wish the Senator from Connecticut to verify it—with respect to the provisions referred to by the Senator from Massachusetts and the Senator from Connecticut, on page 91, section 922 of the bill, subsection (3), that subparagraphs (A) and (B) are to be read so that there is nothing in the section which is intended to prohibit otherwise legal travel between States and communities by persons involved in sporting activity such as shooting, rifle matches, pistol matches, or the taking of families into any sort of sporting competition or hunting trip.

There is nothing in the language, nor is there any intent in the language, nor is the language to be construed to place any restriction on the otherwise lawful movement or travel of an individual or family from one State to another, taking any sporting guns or weapons he legitimately has obtained and owns. The purpose of those two sections is not to restrict any normal, legal travel by citizens. Is that correct?

Mr. DODD. That is exactly right. That is precisely stated and that is clearly its intent.

Mr. TYDINGS. And that sections (A) and (B) should be so considered together, and not exclusive of each other?

Mr. DODD. That is right.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

I have engaged in conversation with the Senator from Massachusetts and in discussion of the proposed amendment. In my judgment, there may be some question as to the clarity of the language in title IV as now drawn on this subject. It is certainly contemplated by the introducer of that amendment, the Senator from Connecticut, that the kind of situation referred to should be permissible. It is within the clear intent of the language. Whether that interpretation would be placed on it, I am not sure.

The Senator from Maryland makes a good point when he says that if this amendment were to be considered as such a limitation, it might raise new problems. What is the definition of "residence"? Would it mean that if I went duck hunting in Arkansas for 3 weeks, but did not intend to live there, I might be held to be in violation of the law? Because there is involved a transfer of residence from one place to another, would it exclude other provisions of law?

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BROOKE. This language applies only to handguns.

Mr. HRUSKA. I would have no great objection to this amendment. If a vote were called for, I would vote for it, as I have mentioned to the Senator.

Mr. BROOKE. The purpose of calling up the amendment was to make legislative history and get a clarification. I am not going to press the amendment.

Mr. HRUSKA. I want to commend the Senator for clarifying the point, which needs this kind of legislative history.

Mr. DODD. Mr. President, this colloquy has been helpful certainly by way of legislative history. I commend the Senator from Massachusetts for raising the point. It ought to be clear now, from the colloquy and discussion, what the intention of the Senate is. I think it is clear.

Title IV simply does not deal with personal transportation of weapons, and the kind of situation the Senator from Massachusetts has raised a question about is certainly not intended to be covered by this section of title IV.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. Those in favor, say "Aye." Those opposed, "No."

Mr. DODD. Mr. President, I thought the Senator withdrew his amendment.

Mr. TYDINGS. Mr. President, I understood that the Senator withdrew it.

Mr. BROOKE. Mr. President, I did not answer because I did not know what we were voting on. I did not press my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BROOKE. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The amendment has been withdrawn.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 4(b), Public Law 90–301, the Speaker had appointed Mrs. SULLIVAN and Mr. BROCK

as members of the Commission to Study Mortgage Interest Rates and the Availability of Mortgage Credit at a Reasonable Cost to the Consumer, on the part of the House.

The message announced that the House had passed the bill (S. 2986) to extend Public Law 480, 83d Congress, for 3 years, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 68. An act for the relief of Dr. Noel O. Gonzalez;

S. 107. An act for the relief of Cita Rita Leola Ines; and

S. 2248. An act for the relief of Dr. Jose Fuentes Roca.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime. To increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. To whose time is it to be charged?

Mr. MANSFIELD. I ask unanimous consent that the time not be charged to either or any side.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 743

Mr. BROOKE. Mr. President, I call up my amendment No. 743, and ask unanimous consent that it be modified.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. BROOKE. I modify my amendment to read as follows:

On page 94, strike lines 4 through 16, inclusive, and insert in lieu thereof the following:

"(4) to any other than those categories of persons specified in Section 4 of the Federal Firearms Act of 1938 (15 U.S.C. 904) any destructive device, machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle."

The PRESIDING OFFICER. Will the Senator send forward his amendment as modified?

Mr. BROOKE. I send my amendment to the desk.

The BILL CLERK. The Senator from Massachusetts [Mr. BROOKE] proposes an amendment identified as No. 743.

The PRESIDING OFFICER (Mr. BURDICK in the chair). How much time does the Senator yield himself?

Mr. BROOKE. I yield myself 15 minutes.

Mr. President, section 922(b)(4) of S. 917 as reported provides that it shall be unlawful to sell "to any person any destructive device, machinegun (as defined in section 5848) of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, unless he has in his possession a sworn statement executed by the principal law enforcement officer of the locality wherein the purchaser or person to whom it is otherwise disposed of resides, attesting that there is no provision of law, regulation, or ordinance which would be violated by such person's receipt or possession thereof, and that he is satisfied that it is intended by such person for lawful purposes; and such sworn statement shall be retained by the licensee as a part of the records required to be kept under the provisions of this chapter."

Mr. President, the Senate has spoken as far as long guns are concerned.

Under the law, however, it will be permissible for a private individual to own a machinegun, a bazooka, a hand grenade, or any other weapon which has been classified as a destructive weapon so long as he does not have a criminal record and so long as his local law enforcement authorities attest that no violation of any regulation, law, or ordinance would be committed by his possesion of that destructive weapon.

What are destructive weapons? They are clearly set out in the law as follows:

The term "destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

Mr. President, it seems unconscionable to me that we in this country, with all of the problems we are experiencing at the present time—the riots we have had in our urban centers, our increasing crime rate, and all of the acts of violence to which our Nation has been subjected—should permit private individuals to own destructive weapons.

A man may not have a criminal record, and his local law-enforcement officer very well may attest that there is no violation of any regulation or ordinance by reason of his ownership of a destructive weapon. However, should we in Congress agree that any private individual who desires and who qualifies to do so—and these restrictions and exceptions are most minimal—should have a right to own and possess a destructive weapon?

The mere fact that he has it or possesses it means that he might at some time use it. If it is a hand grenade, he might in the future throw that hand grenade and cause death to many people and much destruction of property.

If it is a machinegun, he might use it in the future and kill scores of people in a short time.

If it is a bazooka or an antitank gun, he could use it on a building.

Even if a private individual has such a weapon in his possession, it does not mean that he might use it for unlawful means. The mere fact that the weapon is available means that someone might break and enter and steal it and use it for unlawful purposes. I refer to a person who is a criminal and who could not qualify for purchase, ownership, and possession of that weapon. Nevertheless, it would be available and accessible, and he might be tempted to break and enter and take the weapon and use it to cause great destruction.

I cannot see any justification whatsoever for a private individual—not a member of a law-enforcement body, not a member of our society who has to protect the life, liberty, and property of people possessing such a destructive weapon.

I think that the Senate would do a great service to the country if it were to agree to the pending amendment and prohibit the sale of any of these destructive weapons to any private individual who does not qualify under the United States Code, which does permit the ownership of such weapons by persons who lawfully should have them.

Mr. President, I therefore urge that the Senate agree to the pending amendment. I think it would be an important step forward in the control of destructive firearms in our country and would be advantageous to us in controlling the riots in the country. It would certainly be helpful in decreasing the high crime rates which, unfortunately, we are experiencing at the present time.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, the Senator from Massachusetts has a very exemplary record as the chief law-enforcement officer of his State, and he speaks well. And I know he intends a very good result when he proposes the pending amendment.

It would be difficult to justify the possession by a private individual of a destructive weapon as defined in the National Firearms Act, or as it would be redefined by the adoption of amendment 708.

In amendment No. 708, an effort is made to modernize the coverage of the National Firearms Act to take in expressly certain of the destructive devices and firearms, which were not contemplated or in existence in 1934 when the act was passed.

This Senator made an effort in the Judiciary Committee during the hearings to do just what the Senator from Massachusetts seeks to do now. From the bill introduced on May 24, 1967, No. S. 1854, at page 6, I read:

It shall be unlawful for any person who is not 21 years or more of age to possess a firearm.

And a firearm in the context of this law meant a destructive device as covered by the National Firearms Act.

We referred this matter to the agencies involved, and particularly to the General Counsel of the Treasury, because it is the Treasury Department that enforces this particular act.

A letter was received from the Department which appears starting on page 1086 of the hearings on Senate Resolu-

tion 35 and S. 1 and other bills in the hearings held in July and August of 1967.

The letter recites:

New section 5857 would make it unlawful for a person under 21 years of age to possess a National Firearms Act firearm.

The Treasury Department says:

It seems doubtful that the second provision—

That is the one I just read—

can be justified under the taxing or commerce powers, or under any other power enumerated in the Constitution, for Federal enactment. Consequently, the Department questions the advisability of including in the bill a measure which could be construed as an usurpation of a (police) power reserved to the states by Article X of the United States Constitutional Amendments.

That stopped us cold, and the bill which was introduced was modified accordingly to exclude the objectionable provision.

The letter said in an earlier paragraph:

The Department—

Meaning the Treasury Department—

would welcome authority to refuse approval of transfers which would violate state law. We do, however, have some doubts as to the desirability of including this measure in a bill to amend the National Firearms Act which has always relied on the Federal taxing power as authority for its control provisions.

I wish again to commend the Senator from Massachusetts for making a worthy effort. I would like to see this matter considered thoroughly, but I should like to see it acted upon in a constitutional manner and with the normal processes of legislation, including reference to the Treasury Department, the Department of Justice, and such other agencies as might be involved. We need to explore this matter and find some other way to achieve, at least in some degree, what the Senator from Massachusetts wishes to accomplish.

Reluctantly, I suggest that this amendment be withdrawn or, if not, that it be rejected by the Senate.

Mr. DODD. Mr. President, will the Senator yield?

Mr. BROOKE. Mr. President, I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I am happy to find myself in agreement with the Senator from Nebraska, at least on this matter.

I understand the motive of the Senator from Massachusetts. It is entirely laudable, and I agree with it. I do not believe anyone should be permitted to buy one of these destructive devices. I believe that is the real thrust of the amendment. But the trouble I fear is that unless we provide some form of hearing, by some person who will hear an application for the possession, for lawful purpose, of one of these devices, such as a testing laboratory, a museum, or something of that sort, we will put a weakness in the legislation that will be overruled by the courts.

My understanding is that the whole purpose of the Administrative Procedures Act is to avoid that sort of situation. I have talked with the Senator privately about this matter. He is a very good lawyer. I still believe that would be a basic difficulty if we went ahead with this amendment.

I believe the Senator from Nebraska has made a good suggestion to the Senator from Massachusetts. I should like to be satisfied that the Treasury Department, which will enforce this law, says, "All right." But I do not believe they say that now. I do not know about the Department of Justice.

I repeat—it cannot be repeated too often—I join wholeheartedly with the Senator from Massachusetts in the conviction that no one should be allowed to buy these devices. But I am also fearful that if we do just that and make no further provision for hearing or appeal or anything of the sort in order to avoid an arbitrary decision by some officer, we will be in even deeper trouble.

I wonder what the Senator thinks about that.

Mr. BROOKE. Mr. President, I believe the only authority that has been cited which raises a question of the power of the Federal Government to legislate and to deal is that of the Treasury Department; the Treasury Department is the final authority. I believe that this entire bill finds its justification and its basis in the interstate commerce clause.

There is no doubt that these weapons, the machineguns and grenades and other destructive weapons, travel from State to State and are being used and could be used in riots in this country. Certainly, it is in interstate commerce and should be regulated by the Federal Government.

I do not believe that the argument that the Treasury Department has raised some question necessarily means that this is the final authority. I believe if the Supreme Court of the United States were to be called upon to act upon the proposed legislation, they very clearly would rule that it is constitutional and within the authority of the Congress of the United States, within the Federal Government's authority, because of its powers derived from the interstate commerce clause.

We would be doing a great disservice if we were not to prohibit the sale of these destructive weapons, particularly at this time, to private citizens in this country.

Because I feel so strongly about this matter, Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time, if the Senator from Massachusetts is willing to yield back his remaining time.

Mr. BROOKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President (Mr. CLARK in the chair), on this vote I have a pair with the distinguished Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL], the Senator from Hawaii [Mr. INOUYE], and the Senator from New Hampshire [Mr. MCINTYRE] are absent on official business.

I further announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from New Hampshire [Mr. MCINTYRE]. If present and voting, the Senator from New York would vote "yea," and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr.

CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. CARLSON] are detained on official business.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "yea," and the Senator from South Carolina would vote "nay."

If present and voting the Senator from Colorado [Mr. ALLOTT] would vote "yea."

The result was announced—yeas 30, nays 47, as follows:

[No. 137 Leg.]

YEAS—30

Baker	Javits	Proxmire
Bayh	Jordan, Idaho	Randolph
Brooke	Kennedy, Mass.	Ribicoff
Clark	Lausche	Scott
Cooper	Mondale	Smathers
Cotton	Nelson	Smith
Dominick	Pastore	Talmadge
Fong	Pearson	Williams, N.J.
Griffin	Pell	Williams, Del.
Hart	Percy	Young, Ohio

NAYS—47

Anderson	Gore	Metcalf
Bartlett	Gruening	Miller
Bennett	Hansen	Mundt
Bible	Hatfield	Murphy
Boggs	Hickenlooper	Muskie
Burdick	Holland	Russell
Byrd, Va.	Hruska	Sparkman
Cannon	Jackson	Spong
Church	Jordan, N.C.	Stennis
Curtis	Long, Mo.	Symington
Dirksen	Long, La.	Thurmond
Dodd	Magnuson	Tower
Eastland	Mansfield	Tydings
Ellender	McClellan	Yarborough
Ervin	McGee	Young, N. Dak.
Fannin	McGovern	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—22

Aiken	Hayden	Monroney
Allott	Hill	Montoya
Brewster	Hollings	Morse
Carlson	Inouye	Morton
Case	Kennedy, N.Y.	Moss
Fulbright	Kuchel	Prouty
Harris	McCarthy	
Hartke	McIntyre	

So Mr. BROOKE's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question now recurs on the amendment of the Senator from Nebraska [Mr. HRUSKA].

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 312)

The PRESIDING OFFICER laid before the Senate the following letter from the President of the United States, which, with an accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

It is my pleasure to submit to Congress the 1967 Annual Report of the Saint Lawrence Seaway Development Corporation.

The Seaway had its second best year in nine years of operations—registering a total of 44 million tons of cargo. The record season for Seaway tonnage was 1966 when 49.2 million tons were moved through the Montreal-Lake Ontario waterway. We hoped that the Seaway would reach the 50-million ton mark in 1967, but a strike plus some slackening in demand for grain, resulted in reduced traffic.

While overall tonnage was somewhat disappointing, there are many bright spots in the report. General cargo, for example, increased to six million tons from 5.5 million. Iron ore shipments also were higher with 16.4 million tons moving through the Seaway locks to the steel mills of the Midwest. These increases indicate the growing appreciation of the waterway's advantages as a means of reducing transportation costs.

The Seaway has truly placed Midwest ports on the sealanes of the world. More than 600 salt-water vessels made 1,284 trips into the Lakes in 1967.

However, reduced traffic, along with an adjustment in the division of toll revenue between Canada and the United States caused income to fall from $7.1 million to $6.1 million.

Despite this loss, $4 million was returned to the U.S. Treasury. This makes a total repayment of $28.9 million since the Seaway opened in 1959.

A major concern of the Corporation is the need to repair Eisenhower Lock. The Corporation retained the Corps of Engineers to direct the work which will continue until 1971. Fortunately, it will not interfere with the navigation seasons. In my budget for fiscal year 1969, I requested that funds be made available to cover the cost of repair.

I commend this report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 16, 1968.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, under the previous unanimous-consent agreement, 130 minutes of time remains on the Hruska amendment. I am advised that the various parties who have been discussing this amendment among themselves within the last few minutes have agreed that original unanimous-consent agreement be vacated, and that the time on the Hruska amendment be limited to 40 minutes of debate, to be equally divided between the Senator from Nebraska [Mr. HRUSKA] and the Senator from Connecticut [Mr. DODD].

I ask unanimous consent that the previous agreement be modified accordingly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. McCLELLAN. Reserving the right to object, what is the request?

Mr. BYRD of West Virginia. The request is that time remaining on the Hruska amendment be limited to 40 minutes, to be equally divided between the Senator from Nebraska and the Senator from Connecticut.

Mr. McCLELLAN. I have no objection.

The PRESIDING OFFICER. The Chair hears no objection, and the previous unanimous-consent agreement is accordingly modified so that the time remaining on the Hruska amendment shall be limited to 40 minutes, 20 minutes to be controlled by the Senator from Nebraska [Mr. HRUSKA] and 20 minutes by the Senator from Connecticut [Mr. DODD].

Who yields time?

Mr. DODD. I yield 5 minutes to the Senator from Maryland [Mr. TYDINGS].

Before yielding, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, a vote on the Hruska amendment is really a vote on whether or not to sustain title IV of the bill as reported by the Committee on the Judiciary.

Title IV, the concealed weapons title, is a very limited, stripped down, bare minimum gun traffic control bill, primarily designed to restrict access to handguns by criminals, juveniles, and fugitives. This concealed weapons amendment does not affect the domestic sale of rifles or shotguns in any fashion which is now legal. It does not affect mail-order and over-the-counter sales of rifles or shotguns.

Regarding handguns, title IV provides only that handguns must be purchased in the purchaser's home State, or that, if they are purchased through the mails, they must be purchased from a licensed gun dealer in the State where the purchaser resides.

Basically, I think that the Senator

from Nebraska and the proponents of title IV as reported agree that something should be done to limit unrestricted access to weapons by dangerous people. I think all agree—and there was just testimony to that effect during the hearings—that there should be some Federal assistance to local law-enforcement officials in this field.

So the sole issue before the Senate, Mr. President, is what is the best and most effective method to aid and assist local law-enforcement officials in their fight against crime.

In title IV, as I have indicated, the committee has provided a flat prohibition against the sale of handguns to any except residents of a State, and a flat prohibition against mail-order handgun sales, except when the purchaser buys through a licensed dealer in his own community.

Title IV puts the burden on the local licensed gun dealer, whereas the amendment (No. 708) of the Senator from Nebraska puts the burden, if there is such a burden, on local law enforcement officers, by means of a so-called affidavit.

The amendment of the Senator from Nebraska places no additional responsibility on the Federal licensees, other than to raise their license cost from $1 to $10, whereas title IV provides criminal sanctions for violation of the law, including possible loss of licenses, requires the keeping of records, and permits the inspection of records of licensed gun dealers by officials of the Treasury Department.

A major weakness in amendment No. 708 is that it puts the entire burden of policing a rather weak affidavit on local law enforcement officers.

This is what it would do: A nonresident goes into a hardware store to purchase a gun, he is required to sign an affidavit that it is not illegal for him to receive that weapon under the laws of his State. He has only to sign his name—no witness, no notarization, no photograph, no fingerprints, and then the dealer sends that affidavit to the local police department in the home State or the community of the purchaser. Seven days after the receipt of that affidavit, the sale may be consummated.

So the Hruska amendment, Mr. President, would place the entire burden of research on an already overburdened local police force. First of all, they would have to find out the address, and make certain that such a person existed. Then they would have to find him and make certain that he was the person who signed the affidavit. Then if, as is the case in many States and local communities, it is illegal to sell a weapon to someone who has a record of a felony conviction or a felony indictment pending, or is an alcoholic, a juvenile, or a narcotic addict, the burden would be on the local law enforcement officers to try, within 7 days, to research all of the records necessary, after they initially determine whether or not the individual was the actual person who signed the affidavit.

They would have to determine whether or not he has a police record locally or nationally, and whether or not he has ever been committed to a mental institution. They might have to search hospital records for any record of alcoholism, or court records for pending indictments.

Mr. President, I submit that this is an unfair burden to put on the local law enforcement officers.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. TYDINGS. I ask for 1 additional minute.

Mr. DODD. I yield the Senator 1 more minute.

Mr. TYDINGS. Mr. President, title IV is a very minor step forward. To put on an already overworked local law enforcement establishment, the entire burden of research on these affidavits is to my mind unfair, and weakens further an already too weak title IV. I sincerely hope that the amendment of the Senator from Nebraska will be rejected, and that title IV as reported by the committee will stand.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield 5 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I first direct the attention of the Senate to the fact that the Hruska substitute, on which we shall be voting very directly, would provide that no shipment of weapons can be made into a State in violation of State law.

That is the place where the emphasis should be. When all is said and done, law enforcement is a local problem. I think J. Edgar Hoover expressed it very well when he said:

> We can't have a National Federal Police Force. What we need is to rely upon the people in the communities to enforce the law and to assist them directly and indirectly with money and training and whatever else we can offer by way of facilities in order to make a given community a law-abiding place.

And if we fail in that and if we divert the emphasis from that principle, then this whole effort will fail and all the hundreds of millions of dollars that are committed in this bill for the purpose of planning and action grants to communities will have exactly no significance.

The Hruska substitute makes provision for that, and it puts the emphasis, therefore, where it belongs. It provides also that one cannot transport these weapons into a State where it is unlawful to do so. That is a principle that we have carried out over a long period of time.

I remember when I first encountered it in the House of Representatives long years ago in connection with our efforts to do something about sweated child labor in this country. And we had to operate in that fashion and take advantage of the fact that when a State had a legislative proceeding established, we could preserve the integrity of that proceeding and we could protect the State. That is precisely what the Hruska substitute does now.

The Hruska substitute provides also that there shall be no delivery of handguns to any person under 21 years of age. That is a salutary provision. It is very basic. And it would be notice to all dealers and to all manufacturers with regard to the sale of these weapons to those who would be considered legal minors under the pending measure.

The Hruska substitute provides also that the purchase of handguns can be made only when there is an affidavit of eligibility, and that affidavit has to be first expressed by the prospective purchaser of a handgun. And it has got to qualify and be approved through the local law enforcement agency. So that it is pretty well tied down.

And when it is in affidavit form, obviously the person making such an affidavit is subject to indictment for perjury if he undertakes to distort the truth. That provision can be very helpful in this matter.

The Hruska substitute provides also that the affidavit has to go to the dealer so that the dealer is put on notice. It has to go to the chief law-enforcement agency, and it is put on notice and can report on the background and the character of the prospective purchaser. And if, perchance, he has been a felon, if he has been convicted, or if he is under indictment, that procedure would obviously be a help.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HRUSKA. Mr. President, I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 more minutes.

Mr. DIRKSEN. Mr. President, I believe, therefore, that the approach which the distinguished Senator from Nebraska has developed in the substitute on which we will next vote is the answer to the problem that has been besetting us for a long period of time.

There is not a Member of the Senate who does not want a safe streets and crime control bill and for that matter, a gun control bill. At the same time, we want to be sure that it is reasonably well done, that it is a measure that can stand up as a good and efficient exercise of Federal power. And, along with it, we want to be sure that it preserves the authority at the grassroots level where the law must be enforced.

I had a brief experience long ago in running a police department. It was not very large, but it was large enough, I think, for my city.

I had a chance at that time to give some attention to exactly what techniques ought to be employed in order to make it efficient and worthwhile. I think we discovered what had to be done, and I am proud to say now that after the first bout with a number of criminals who used it as a thoroughfare from one place in the State to another, we came to grips with the program in a thorough-going way, and once we did, that was the end of it. And while the city is not entirely free from crime, because always there will be some petty crime, I am rather proud to say that that town is reasonably free from all criminal elements and that in the main all we must contend with are the petty crimes that are committed from time to time.

I point out that the Hruska substitute is fundamental, and it places the em-

phasis where it belongs. And, in my judgment, it ought to be agreed to by the Senate by an overwhelming vote so that we can dispose of title IV in the pending measure and then go on to other titles and finally complete action on the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, there is no question that there will be a revision of the present Federal statutes on firearms control. The only question, as has often been stated on the floor of the Senate, is what kind of measure will be adopted. Whatever measure is adopted, it must be remembered that we operate under certain limitations. One of the limitations is this simple statistic: 3.4 percent of the 3,250,000 serious crimes committed in America are committed with the use of firearms—or perhaps we should say the misuse of firearms. If there were some way in which we could wave a magic wand and say, "Firearms disappear," and then start new life under a new regime, perhaps the number of crimes could be reduced from the 3,250,000 major crimes that were committed in the United States in 1966 to a figure of 3,200,000. That is limitation No. 1. If we abolished firearms, we would still have this vast area of crime to contend with.

Another limitation is the availability of firearms that are now personally owned by the 40 million to 50 million private owners. And there are between 100 million and 200 million firearms. That is a factor to contend with.

Then there is the factor of zip guns, which are easily made. Anyone having inventiveness or who is persistent in mechanical ability can make them, use them, disassemble them, and dispose of them.

Those are some limitations. That is regrettable; nevertheless it is quite realistic.

How do we go about fashioning a law that will have maximum impact upon crime prevention or reduction of the crime rate when we deal with the control of firearms?

There are two proposals. There is title IV, which is pending, and there is amendment No. 708, upon which we shall shortly vote. I shall comment only briefly upon the different features of the proposals. The idea of joining the subject matter of the National Firearms Act and also the Federal Firearms Act in title IV, is, I think, bad parliamentary and statutory practice.

Item 2, the matter of imports, is another subject on which there is difference in the two bills. It is still difficult for me to understand why a starter pistol that comes from abroad and sells for a very nominal amount of money and has the same characteristics as a starter pistol that is manufactured in this country, and sells competitively, should be outlawed as it is by title IV, and why the domestic starter pistol should be suffered to enter the channels of commerce and find its way into the hands of private owners.

The fourth category, destructive devices, is intended to bring up to date the law which was enacted in 1934. It adds new devices. It would strengthen the provisions of the bill, and, in my judgment, it would serve that purpose well.

However, as to the commerce in firearms themselves, long guns and handguns—pistols, revolvers, rifles, and shotguns—there is this difference in approach: Title IV prohibits mail-order sales of handguns, and the proponents apparently feel that by this method we are going to get rid of murder by mail. It is not very realistic because unfortunately, even after that were done, there would remain the other source of acquiring ownership of guns—over-the-counter sales. Title IV imposes upon the over-the-counter dealer the major part of the burdens of enforcing the sales pursuant to the provisions of this law. That is unfair. It is not right. It would reduce the number of dealers in vast areas where dealers are necessary, and it would result in a situation in which many people, legally entitled to guns, who put them to wholesome, lawful, and proper uses would be deprived of the chance to get a gun with any reasonable expenditure of effort, time, and expense.

As opposed to the number of those who misuse firearms, we have, some 15 to 20 million licensed hunters who are in the business of lawfully and wholesomely and properly using guns. There should be some sense of balance observed with reference to any limitations that are sought to be imposed by legislation of this type.

Reference has been made to the affidavit procedure, the presale affidavit procedure, which is specified in amendment No. 708. It is said, "Don't let us have this kind of thing. This presale affidavit is insufficient; it is inadequate. You don't even have to have a notary on it. It will put a horrible and unbearable burden on police departments, the sheriffs, and the State patrol, and therefore it won't be enforced."

My answer to that argument is this: The more the description becomes a lurid and an impossible one, the worse becomes the position of those who advocate title IV, because all those burdens would be imposed upon the licensed dealer in the over-the-counter sales. That is something that the opposition has not been able to answer, because it is a duty and a responsibility the dealer would not be able to sustain, as a result, many merchants would refuse to become dealers and many others would simply say, "I do not know you. I'll not make a sale to you." That certainly would not be a good result.

The burden under amendment No. 708 is well distributed, for enforcement, Mr. President. First, the buyer would have to fill out the affidavit—and it is an affidavit—and it is an affidavit; let there be no fooling about that. It is not a notarized affidavit, but the definition of "affidavit" does not include notarization.

There is the penalty in this bill, which is a fine of up to $10,000 and imprisonment of up to 10 years, or both, for making any material misrepresentation or deceitful statement in the application.

Mr. President, the affidavit and basis for prosecution in that event would be a writing which would have a signature and an address on it. It is not one of the requirements set out in the statute, but it would be required by the regulations issued by the Secretary of the Treasury, without any question. The false purchaser would manufacture the key that would open the jail door, because upon conviction for putting false material in the application, that kind of prosecution would be based upon the evidence that he, himself, manufactured.

It seems to me that this would be ample deterrent for anyone to become too careless as to how he handled the affidavit.

The second point burden of the enforcement duties finds its way into the office of the dealer, the mail-order dealer, who must take steps in accordance with good commercial practice to verify the sale and must give a copy of that affidavit to the police chief. The police chief then would have the duty of checking it out and of informing the dealer if there is something in the man's record making him ineligible, or something false in the affidavit. Then the sale would be stopped.

There is a further provision which also bears on the enforceability. Any common carrier of a weapon of this kind would be barred from making, and it would be unlawful for him to make, delivery of a handgun to anyone under 21 years of age and of a shotgun to anyone under 18 years of age. It seems to me that that would result in a workable, and enforceable, well-balanced method by which we could regulate the mail-order sale. It would make as much progress as could practicably be made to achieve the objective of firearms legislation.

We have heard many figures recently and all kinds of lurid descriptions of crimes committed in metropolitan areas, with crime clocks and figures comparing murders and other crimes committed with firearms in States that have control to those that do not have control. Mr. President, it is not a matter of trying to convince anyone that there is a great deal of crime in America. The figures are regrettable and deplorable, but the recital of all these statistics means nothing unless it is connected with the impact of a firearms control bill upon those statistics. Will those figures be reduced in the years to come?

Mr. President, I ask unanimous consent to have printed in the RECORD that portion of the committee report dealing with S. 917 which appears on page 247, commencing with the subtitle "Crime Factors" down to and including all subindented material.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CRIME FACTORS

Uniform Crime Reports give a nationwide view of crime based on police statistics made possible by the voluntary cooperation of local law enforcement agencies. Since the factors which cause crime are many and vary from place to place, readers are cautioned against drawing conclusions from direct comparisons of crime figures between individual

communities without first considering the factors involved. The national material summarized in this publication should be used, however, as a starting point to determine deviations of individual cities from the national averages.

Crime is a social problem and the concern of the entire community. The law enforcement effort is limited to factors within its control. Some of the conditions which will affect the amount and type of crime that occurs from place to place are briefly outlined below:

Density and size of the community population and the metropolitan area of which it is a part.

Composition of the population with reference particularly to age, sex and race.

Economic status and mores of the population.

Relative stability of population, including commuters, seasonal, and other transient types.

Climate, including seasonal weather conditions.

Educational, recreational, and religious characteristics.

Effective strength of the police force.

Standards governing appointments to the police force.

Policies of the prosecuting officials and the courts.

Attitude of the public toward law enforcement problems.

The administrative and investigative efficiency of the local law enforcement agency, including the degree of adherence to crime reporting standards.

The PRESIDING OFFICER (Mr. SPONG in the chair). The time of the Senator has expired.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, this material points out the crime factors. It enumerates some eight crime factors which account for the commission of crime.

It is notable that the availability of firearms is not included in this enumeration of the crime factors, which has been drawn carefully and expertly by the Federal Bureau of Investigation.

Mr. President, in conclusion I wish to emphasize that it is our purpose in amendment No. 708 to devise a method whereby the interstate shipment of firearms will be regulated. They would be placed under regulation in such a way as to help local authorities and State authorities to enforce the laws.

During our hearings local law enforcement officers came before our committee and said, "We could do all right in our area but help us in connection with the interstate shipment of guns, the weapons which come across State lines."

Considered with all of its provisions, and they have been thoroughly debated here, this is a strong measure and a strict measure, and it is enforceable and workable. In my judgment, it would be effective for the purpose for which it is written.

It is my hope that the Senate will approve this measure in line with previous votes we have had.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Has the Senator yielded back all of his time?

Mr. HRUSKA. I do not know if I have any time remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 1 minute remaining.

Mr. HRUSKA. I thank the Chair. I yield back all my time.

Mr. DODD. Mr. President, in view of that situation, I have no desire to delay the Senate. In 7 years I have said all that can be said for the necessity for this title IV.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. CLARK. The Senator was kind enough to place on my desk, and I have been very much impressed with the statistics which the Senator submitted showing the number of murders from guns, long guns, and other weapons.

I hope very much that the Senator's gallant fight to defeat the Hruska amendment will be successful and that we can sustain the position of the Committee on the Judiciary. I wish we could do better.

Mr. DODD. I thank the Senator. For 7 years, to the best of my ability, I have tried to explain the necessity for this measure. I have tried to point out the weaknesses of the measure of the Senator from Nebraska. We have discussed the matter over and over again. I do not believe we will change many minds at this hour. I believe we are right with respect to title IV, as the Committee on the Judiciary voted.

We must stop this dreadful traffic in handguns and concealable weapons. The proposal of the Senator from Nebraska would not accomplish that result. We must stop the illegal sale of the States in which they are purchased; we must stop the sale of handguns to youngsters under 21 years of age, and we must stop the importation of military junk from all over the world. Not another country in the world will let it be sold to its people but we let is be sold here to hoodlums, insane people, and children.

That is what I am trying to stop by title IV, and that is all.

Mr. President, I have said all I can say. I have done the best I can do. I have been supported by many able men in this body. We need title IV. God help us if we do not get a strong bill. I do not know how we can talk about an omnibus crime bill and Safe Street Act and not have this title. There have been things deleted that should be in the bill, but, for heaven's sake, let us do this.

Mr. President, I urge the Senate to reject Senator HRUSKA's motion to substitute his amendment No. 708 for Senator DIRKSEN's amendment No. 782.

Before the Senate can intelligently vote on this matter it must understand the differences between title IV and the Hruska substitute. I have already discussed these differences at some length. I now propose to summarize the major differences for the information of Senators.

I must confess that I find it difficult to compare the Hruska substitute with title IV because the Hruska substitute is so inferior that it almost defies a logical comparative analysis.

After all, if someone were to ask you to explain the differences between a Rolls Royce and a Volkswagen, how would you go about pointing out the differences?

The differences between title IV and the Hruska substitute are even more monumental because at least a Volkswagen will take you somewhere, whereas the Hruska substitute will take our country absolutely nowhere in terms of effective gun control legislation.

The Hruska substitute is so inadequate, so unenforceable, and so burdened with the thinking of the gun lobby that its enactment would do little, if anything, to give our law-enforcement officers the tools for which they have asked.

It would be a travesty on the needed legislation and a sad day for the American people.

I agree with the administration's view that the Hruska substitute is as inadequate as, and perhaps even more difficult to enforce than, the existing Federal Firearms Act.

Let me review some of the major difficulties of the Hruska substitute before Senators are called upon to vote on it.

First, the Hruska substitute does not assist law enforcement. True the Senator from Nebraska assures us that his substitute would assist law enforcement. But those that are in a position to know deeply and vehemently disagree.

The law enforcement authorities who appeared at our hearings testified that the Hruska substitute would hinder, inconvenience, and strain the resources of our law enforcement agencies throughout the land.

Ramsey Clark, the Attorney General of the United States, testified that it would "impose a burden and an unnecessary burden on the law-enforcement officer." He said further that it would neither be efficient nor effective.

Second, the Hruska substitute is the gun lobby approach to firearms control and nothing more than that.

The gun lobby will readily concede that it would prefer no firearms control legislation at all. But they are willing to go along with the Hruska substitute because the Hruska substitute so closely resembles nothing at all.

The support this substitute is receiving from the gun lobby is reminiscent of the 1930's when the National and Federal Firearms Acts were being considered. At that time the Congress was asked to pass meaningful and reasonable controls over long guns but they caved in under pressure from the gunrunners.

Then, as now, the NRA had its bill introduced, had tons of letters written to an unsuspecting Congress, and got the bill it wanted passed. As we all know, this bill turned out to be completely inadequate.

If, in the face of 30 years' experience with the patent inadequacy of the Federal Firearms Act and in the face of the soaring crime rates of the past two decades, we now proceed to pass a second completely inadequate measure at the behest of the gun lobby, then we shall not be able to escape the verdict of history. We shall not be able to escape re-

sponsibility for the countless hundreds of Americans who will be gunned down in homes and streets and shops because we, the Congress of the United States, did nothing when we had the opportunity to curb the availability of guns to criminals and juveniles and other socially irresponsible elements.

Third, public sentiment of this country is overwhelmingly in favor of this legislation.

Every public opinion poll since 1959 has reflected the public support for stringent gun control legislation.

Unlike public opinion polls on other issues, successive polls have shown consistent majorities in favor of gun control legislation, ranging from a maximum of 80 percent to a minimum of 70 percent.

Even the gun owners of this country are in favor of strict gun control legislation. In a recent poll 65 percent of this country's gun owners expressed support for gun registration, a measure which goes much further than anything proposed in my bill.

Gun control legislation has been endorsed editorially by the overwhelming majority of our newspapers and national magazines. A study conducted just over a year ago by the staff of the Juvenile Delinquency Subcommittee showed that our legislation had the editorial backing of papers which, between them, accounted for 93 percent of all newspaper circulation in the United States.

The American Bar Association, the International Association of Chiefs of Police and the National Association of Citizens Crime Commissions have endorsed this gun legislation and have urged the Congress to act favorably upon it.

Finally, the need for such legislation has been strongly endorsed by the Department of Justice, by FBI Director J. Edgar Hoover, and by the law-enforcement authorities in virtually all our major cities.

And when I talk about gun control legislation, I do not mean the sadly inadequate legislation represented by the Hruska substitute, which has the unstinting support of the gun lobby. I mean title IV as the absolute responsible minimum.

I do not propose to again go into all the weaknesses and deficiencies of the Hruska substitute. This would take far more time than has been allotted to me. But let me at least examine a few of its more glaring deficiencies.

THE INTERSTATE MAIL-ORDER SALE OF GUNS AND THE OVER-THE-COUNTER SALE TO NONRESIDENTS

Unlike title IV, the Hruska substitute fails to strictly and effectively control the interstate mail-order sale of handguns and the over-the-counter sale of handguns to nonresidents of a State.

Title IV requires that all such sales be channeled through licensed dealers in the purchaser's State of residence, thereby keeping these sales under the control of State and local law. In this way title IV provides for the maximum effective use of State and local law and for maximum protection against circumvention.

There is very substantial reason for believing that these provisions, if enacted, would do a lot to curb sales of deadly weapons to felons, fugitives, juveniles, and other crime-bent individuals.

The Hruska substitute, on the other hand, seeks to control this traffic by means of a sworn statement, which has not been notarized and which furnishes incomplete identifying information about the purchaser to the licensed dealer.

The defect of this approach has been pointed out and lamented by every law enforcement official to appear before the subcommittee.

Quinn Tamm, the executive director of the International Association of Chiefs of Police, testified that such affidavits "are absolutely worthless. They have no value. They would serve no purpose."

There was similar testimony from many of other law-enforcement officers and other interested witnesses.

But the sponsors of the Hruska amendment, as I have pointed out, show a cavalier disdain for the opinions of the Justice Department and Mr. J. Edgar Hoover and Mr. Quinn Tamm and our chiefs of police and for all those who have intimate personal knowledge of the problems of law enforcement.

I regret that I cannot accept their pretense to omniscience. I am certain that the overwhelming majority of the American public would agree with me that, when it comes to the exceedingly important matter of law enforcement, Congress should be guided by the advice of men like Mr. Hoover and Mr. Tamm and our metropolitan chiefs of police, who have devoted their entire lives to the theory and practice of law enforcement.

It is characteristic of the gaping loopholes in the Hruska amendment that under its nonnotarized sworn statement approach, a Federal licensee is not obliged to refuse an over-the-counter sale, even if he has been notified by local law enforcement authorities that the applicant is ineligible to purchase firearms in his State or hometown.

The real irony here is that, even if the Federal licensee carefully complies with the sworn statement procedure, and even if the law enforcement authorities in the purchaser's place of residence dutifully notify the licensee that the applicant is not eligible to purchase a firearm, the sale still may be completed.

The sworn statement procedure in the Hruska amendment, ostensibly, applies to all interestate purchases of handguns except for sales to licensed dealers. But under the loose provisions of the licensing section of the Hruska substitute, there would be a very easy way of circumventing this requirement. All an individual would have to do would be to take out a dealer's license even though he is not a dealer and has no intention of becoming one.

Title IV establishes rational standards for the granting of dealer licenses. If enacted, it would have the effect of protecting legitimate dealers and eliminating the fraudulent dealers and the fly-by-nights.

But under the Hruska substitute the standards established are so minimal as to be nonsensical.

Any individual over 21 years of age who is not a felon and who has not violated the act would be eligible to receive such a license upon the payment of a $10 annual fee, whether or not he intends to engage bona fide in the business of selling firearms. Inasmuch as the Treasury Department estimates that some 25,000 dealer licenses are now held by persons not genuinely engaged in the business, this failure to strengthen the licensing requirements would create a major avenue for evading the sworn statement procedure. Theoretically, it would be possible for every gun owner and would-be gun owner in the country to become a gun dealer.

This same situation has rendered the present act useless.

SALES TO JUVENILES

Of all the weaknesses in the Hruska substitute, none is more glaring than the failure to prohibit the sales of firearms to minors and juveniles.

All the substitute does is to establish some very inadequate controls over sales to juveniles.

The Senator from Nebraska claims that these controls will be effective. This is simply not the case. Entirely apart from the glaring inadequacy of the sworn statement approach, the Hruska substitute does not prohibit the intrastate sale of firearms, even handguns, to minors.

Despite the sworn statement requirement in the interstate area, the language of the Hruska substitute does not prevent a licensee from completing a sale to a minor even where the licensee knows or has reason to believe or, indeed, has been informed pursuant to the sworn statement procedure, that the applicant is under 21.

Again, I must profess amazement at this deplorable statutory situation.

Title IV on the other hand specifically prohibits the sale by Federal licensees of firearms, other than rifles or shotguns, to persons under 21 years of age.

There are many good reasons for this complete prohibition in title IV.

First, it is simply commonsense not to allow federally licensed dealers to dispense weapons of death to the young and immature. Unless they are properly supervised, firearms in the hands of juveniles can result in great tragedy. There are scores of thousands of tragedies in the police files of our country to attest to this.

Second, minors are responsible for a growing number of crimes across the country.

In 1966 minors under 21 accounted for 35 percent of the arrests for serious crimes of violence, including murder, robbery, and aggravated assault.

Twenty-one percent of our arrestees for murder in 1966 were under 21; and since 1960, juvenile arrests for murder have increased 45 percent.

Fifty-two percent of our robberies in 1966 were committed by persons under 21; and in this category, since 1960, arrests of juveniles have increased 55 percent.

In 1966, 28 percent of our assaults were committed by minors; and since 1960, arrests of juveniles in this category have increased 115 percent.

Mr. President, law enforcement experts virtually to a man agree that we

can curb these serious increases in crimes of violence by young people, by restricting the availability of guns to them.

On this point, all the evidence taken by the Subcommittee on Juvenile Delinquency leads me to agree with the views of our law enforcement authorities.

On this issue, as on other issues, it is clear that there are others in this body who are not prepared to be guided by the advice of our law enforcement experts.

Title IV does prohibit such sales. And on the sale of firearms, except long guns, to minors, title IV requires that purchasers of firearms identify themselves and provide proof of age.

There is no similar provision in the Hruska substitute.

SALE OF FIREARMS TO CRIMINALS

Title IV specifically prohibits the intrastate sale of firearms to felons.

The Hruska substitute does not.

Unlike title IV the Hruska substitute does not prohibit a Federal licensee from selling over the counter to a known criminal including felons, fugitives, and those indicted for felonies.

This omission could be particularly significant in the case of pawnbrokers, who frequently know, or have reason to know, of the criminal background of some of their clients, but who under the substitute amendment, could sell to such a person with impunity.

It makes no sense to me to allow federally licensed dealers, or for that matter, unlicensed dealers, to sell firearms to felons.

Against the background of the recent assassination of Dr. King, I fail to understand how anyone can rationalize or justify an omission which makes possible the sale of a gun to a felon.

LICENSING PROVISIONS

Another crippling shortcoming in the Hruska substitute is that it retains the present inadequate provisions of the Federal Firearms Act with regard to the licensing of dealers and manufacturers in interstate commerce.

On the other hand, title IV requires that all persons engaged in the business of importing, manufacturing, or dealing in firearms be licensed as Federal dealers and it applies standards that would insure that only bona fide businessmen would become licensed.

The Hruska substitute does not require all dealers or manufacturers to be licensed. It only requires a license for a dealer or manufacturer to ship, transport, or receive firearms in interstate commerce.

Thus, it is possible that substantial firearms business could be conducted by a person with no Federal license, including over-the-counter sales of handguns or other firearms to nonresidents without complying with the affidavit procedure.

For example, a pawnbroker who deals only in second-hand firearms might not be required to obtain a license. Or a dealer could operate in one State by purchasing firearms, including handguns, directly from the manufacturer, and conduct a massive over-the-counter trade to neighboring State residents, without having to comply with the affidavit procedure provided for in the Hruska substitute.

It is clear from the foregoing that there is a necessity to license everyone in the firearms business, if we are to have effective Federal controls.

The provision of title IV regarding licensing are clearly preferable to those of the Hruska substitute.

IMPORT CONTROLS IN TITLE IV

The Hruska substitute fails to provide controls over the importation of firearms, except for minimal controls over destructive devices.

Title IV, on the other hand, bans the importation of military surplus handguns, other nonsporting handguns, and destructive devices.

Reasonable exceptions are provided for which include an exemption for sporting rifles, sporting handguns, and shotguns, including military surplus longarms.

There are many good reasons for these restrictions on firearms importation. The hearing records of the Juvenile Delinquency Subcommittee are replete with testimony in support of these prohibitions.

There is overwhelming evidence that the inexpensive, imported, small-caliber revolver plays a role of major importance in gun crimes throughout the United States.

Law enforcement officials from South Carolina to California have told the subcommittee that the importation of these weapons should be stopped, and the files of law enforcement agencies indicate that as high as 80 percent of the confiscated crime guns are foreign imports.

The subcommittee's recent study concerning the profile of a gun murderer in this country shows that in over half of the cases where murder guns are positively identified, it is the small-caliber foreign import that is used by the defendant. This is so for the simple reason that, in the case of the low-grade amateur criminals who account for most of our crime and so much of our murder, the bargain-basement price on imported handguns is an inducement of major importance.

The entire intent of the importation section of title IV is to prevent other countries from using the United States as a dumping ground for inexpensive nonsporting weapons which are used almost exclusively by criminals and juvenile delinquents.

During yesterday's debate on title IV and the Hruska substitute, the senior Senator from Nebraska took issue with the provisions of title IV and offered his reasons for preferring his amendment No. 708.

He advanced several arguments to which I take strong exception. I object to some of them because they completely distort the intent of title IV; I object to others because they fly full in the face of the facts as established by the Juvenile Delinquency Subcommittee during the last 7 years of investigations and public hearings.

First, my distinguished colleague referred to the intrastate aspects of title IV and he indicated that the imposition upon licensees in this area would be excessively burdensome.

My response is that the Hruska substitute does not restrict intrastate sales at all. This means that there would be no controls on the sales of firearms to minors, felons, or other criminals ineligible under State or local law to purchase firearms.

The impositions upon licensees in this area are conditioned by the language "knows or has reasonable cause to believe." I point out that the Senator from Nebraska uses virtually identical language in several subsections of part A of his substitute.

The "impositions," if they can be called that, are really very minor; they are not overly burdensome. A licensee in the gun business should know the laws of his State and locale with regard to the purchase and possession of firearms. If he does not know them, he does not deserve to be a licensee.

Moreover, if a State or locality takes the trouble to enact gun control statutes, the least the Federal Government can do is to help them enforce their statutes. It seems to me grossly unbecoming for a Federal legislator to argue that it will impose an excessive burden on gun merchants if we enact legislation that simply requires of these merchants a closer conformance with their own State and local laws.

A second argument raised by the Senator from Nebraska had to do with the criminal misuse of firearms. In support of his contention that guns play only a minor role in crime statistics, he triumphantly trotted out the fact that guns are used in only 3 percent of serious crimes.

If we equate murder with bicycle theft, or car theft, or burglary of other nonviolent property crimes, then it is true that firearms would only be reflected in some 3 to 4 percent of the total number of crimes committed. But I hope no one will be misled by this statistical sleight of hand.

There are crimes against property which involve no violence, but these are not the kinds of crimes we are trying to get at when we talk about the need for gun control legislation. If one considers the incidence of gun abuse in crimes of violence against the person—that is, murder, rape, assault, armed robbery, kidnaping, and mayhem—then one finds that guns are used in a very substantial percentage of instances. In fact, they are used in 27 percent of them.

Let me briefly recapitulate the major failures of the Hruska substitute:

First. Unlike title IV, the Hruska substitute does not prohibit the interstate mail-order sale of handguns or over-the-counter sale of handguns to nonresidents of a State.

Second. Unlike title IV, it does not provide any intrastate controls over the sale of firearms by Federal licensees.

Third. Unlike title IV, it would not prevent the intrastate sales of handguns to felons or to persons under 21, nor intrastate sales in violation of State and local gun laws.

Fourth. Unlike title IV, it does not require that all dealers, manufacturers, and importers be licensed.

Fifth. Unlike title IV, it does not establish standards for Federal licensees

which would eliminate fraudulent and fly-by-night dealers.

Sixth. Unlike title IV, it does not provide controls which would ban the importation of cheap nonsporting firearms.

Seventh. Unlike title IV, it does not even provide effective controls over the importation of destructive devices. For example, a Finnish Lahti antitank gun would not come within the definition of destructive device, because of its nomenclature as a rifle.

Eighth. The Hruska substitute does not even provide effective controls where it ostensibly seeks to impose controls. Law enforcement authorities are agreed that the Hruska sworn statement approach, for example, "would be absolutely worthless."

Mr. President, the choice before the Senate is clear.

We have the choice between a restrained, but effective, gun control bill which has the support of virtually all of our law enforcement authorities.

Or we have the choice of a weak, ineffective, bill endorsed by the gun lobby but strongly opposed by our law enforcement authorities.

I ask the Senate to reject the Hruska substitute because of its total inadequacy and to vote for title IV.

Mr. President, I yield back the remainder of my time. We have requested the yeas and nays.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. KENNEDY of Massachusetts. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

VISIT TO THE SENATE BY FIRST LADY OF THE REPUBLIC OF THE PHILIPPINES

Mr. MANSFIELD. Mr. President, the Senate is extremely fortunate to have at this time in its family gallery a very distinguished lady, a woman who has made her mark in her country and in the Pacific part of the world.

It was the privilege, pleasure, and honor for a number of us to have lunch with this lady this noon and for some of us to renew old acquaintances, others to renew old friendships, and for some of us to have the opportunity to become acquainted with her for the first time.

She and her husband, the President of the Philippines, have done a remarkable job in greatly improving the production of rice and other commodities in their country, in inaugurating a series of social and welfare projects for the benefit of their people, and in undertaking many other innovations seeking to bring about a better way of life to those close friends of ours, the people who comprise the population of the Republic of the Philippines.

Mr. President, at this time I would like to break the rule of the Senate and to introduce to Senators, the distinguished First Lady of the Philippines, Mrs. Imelda Romualdez Marcos. [Applause, Senators rising.]

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. KENNEDY of Massachusetts. Mr. President, we have now come to the final stage in our tortuous quest for a responsible, responsive firearms policy. In our next vote we will answer a very simple question: Do we or do we not want to have effective controls over handguns in those States that have determined that they want to have such controls. For right now, we are, in essence, being given a choice between a workable, effective straightforward system of Federal restrictions on the interstate traffic in pistols and revolvers, and, in the alternative, a proposal which is a sham, a veneer without substance, a complex, unworkable, incomplete procedure which would burden sportsmen and dealers and police departments all over the country, but would produce little if anything in the way of results. Let us call a spade a spade. There is good reason why the NRA supports amendment No. 708, and that reason is that amendment No. 708 is not gun control legislation in any sense of the word. Let us not fool ourselves. Let us not fool the American people. Let us not represent that we are doing something about the interstate flow of weapons of terror and destruction, when, in fact, if we adopt amendment No. 798, we will be doing nothing at all.

Mr. CANNON. Mr. President, I am concerned today that America may be in the process of moving dangerously in two unfortunate directions—on the one hand toward increasing violence and on the other toward an understandable but unfortunate reaction to lash out blindly in a frenzied effort to stem the violence.

Those of us who are seriously concerned about both trends welcome and support Senator HRUSKA's amendment to title IV of the Safe Streets and Crime Control Act.

I support and am cosponsor of the Hruska amendment which, through national legislation, strengthens the hands of local and State law enforcement authorities to better protect their communities from increased lawlessness due to lax firearm control. At the same time it would protect the rights of those overwhelming majority of law-abiding citizens who own and use firearms for legitimate purposes. This amendment would apply only to handguns—the firearm used in over 70 percent of armed crime.

Far too often we find that firearms have been transported across State lines in violation of State laws, but State officials had no way of finding this out and preventing it. This amendment would insure that proper authorities are notified of all such impending transactions.

Let me briefly outline the major provisions of this amendment:

First. No manufacturer or dealer may ship in interstate commerce any handgun to any person in violation of State law.

Second. No person may transport into his State of residence any firearm acquired by him outside of the State, if the acquisition or possession of such firearms is unlawful in his State.

Third. No carrier may deliver any handgun to a person under 21 years.

Fourth. Destructive devices are strictly regulated.

Fifth. The purchaser of a handgun in interstate commerce must make an affidavit of eligibility to purchase.

The last provision is the key to strict control. Under this legislation law enforcement officials will be able to check every transaction of an interstate measure before the sale is consummated. Any State or local community, which is extremely aware of its particular crime control problems, can enact its own statutes or ordinances and be assured that its provisions will have the protective umbrella of this Federal legislation.

Further, I support this measure because it has the double-edged purpose of protecting the interests of the legitimate sportsman or gun collector. It does not assume by prohibitive features that those who want to purchase guns have criminal intentions. It does, instead, provide assistance to State and local officials who have the responsibility of keeping their communities free from crime and fear.

Mr. TOWER. Mr. President, during the last few months there has been a great deal of talk about crime in the streets of America and how to curtail it. The crime bill before us today will aid in such curtailment. I commend the members of the Judiciary Committee for doing overall a good job in reporting out the legislation which is before us now. However, while I agree with the general intentions of this legislation, some specifics of the bill trouble me greatly.

One of the most perplexing sections is title IV, which concerns gun control. The necessity for enacting some form of control is generally acknowledged. The point of contention, however, is the form that this legislation will take.

The last piece of legislation of this nature, the Federal Firearms Act, was enacted by the Congress in 1938. Now, some 30 years later, we are in need of a measure which would prohibit the sale of firearms to convicted felons and minors while, at the same time, would preserve the constitutional right of the American citizen to keep and bear arms.

The overriding responsibility of the Senate is to enact legislation which would assist State officials in enforcing the gun laws enacted by the respective State legislatures. I do not view it as the responsibility of the Congress to usurp still another part of the States' police powers and to enlarge the Federal scope of criminal law enforcement.

Mr. President, title IV as now written would repeal the Federal Firearms Act

of 1938 and would enact a new chapter to the Federal Criminal Code. I do not believe that we have to repeal the Federal Firearms Act of 1938 in order to have effective gun control legislation. In fact, there are rather good judicial and legal reasons why this should not be done. By so doing, we shall be moving away from established case law and into an area in which the effect cannot be presently determined and which could very possibly be unconstitutional.

This measure would immediately repeal the Federal Firearms Act, but the new legislation would not go into effect for some 6 months. However, when legislation is hastily drawn, as this gun control measure seems to have been, some inequities are bound to arise. In short, we must not abandon the generally sound legal system which we now have governing gun control for an alternative approach which has been hastily constructed. What we should concentrate on is improvement of what now exists.

Mr. President, it is my considered opinion that title IV in its present form is not in the best interest of the Nation. It creates too many restrictions upon legitimate gun users and inadequately deals with other problems of gun control. I therefore join my colleague from Nebraska, Senator HRUSKA, in support of his amendment, as a substitute for title IV. This measure would prohibit the interstate or foreign shipment of handguns unless the receiving individual submits a sworn statement that he is at least 21 years of age, is not prohibited by Federal or State law or local ordinance from receiving or possessing the handgun, and, in addition, he must submit the title, name, and address of the principal law enforcement officer of the locality to which the handgun is to be shipped. If a gun permit or license is required by local law, a copy of this permit or license must also accompany the order. The gun dealer is then required to forward a copy of the customer's sworn statement to this local chief law enforcement officer and wait for 7 days until shipping the ordered gun.

There are many other provisions of this amendment which have been thoroughly detailed by Senator HRUSKA. What these provisions accomplish is to strengthen existing legislation in this field and to give the States and local communities the tools they need to control the firearms problem. The Hruska proposal accomplishes this goal yet does not trample on the Federal-State relationship which is so important within the system of American law enforcement techniques. With the adoption of this amendment, the States will be able to enact any gun control legislation which they desire without being hampered by Federal legislation. The amendment makes the violation of a State gun control law by an individual engaging in interstate commerce a Federal crime. Thus, what we are in fact doing is to give added emphasis to the laws that the States decide best deal with their particular situations. This is as it should be and is a good approach for gun control legislation to take. The States must remain primarily responsible for this as well as the other aspects of crime control.

In summation, Mr. President, I believe that it is important that we have meaningful gun control legislation. We in the Senate must affirm our support for law and order. However, I do not believe that it is wise that we enact hastily drawn legislation, as is evident in title IV, which would seriously damage the Federal-State relationship in law enforcement built up over the years. The Hruska amendment will assist the States in solving their gun control problems by giving emphasis to any State gun control laws. It is as good a piece of legislation as the Congress could possibly adopt for the control of gun sales. I urge the adoption of the Hruska amendment, for America needs this sound approach to gun control legislation.

Mr. McGEE. Mr. President, there is nobody present here today who would deny that one of the major issues confronting this Nation today is crime and violence. Some call it crime in the streets, but to others that carries the connotation that our concern is more racial than anything else. So I want to make it clear that I am not addressing myself to riot situations alone, but to the month-by-month upward trend of violence which cuts across the entire fabric of our society and evidences itself outside the so-called ghetto as well as within it. Crime is a problem practically everywhere, but more so in areas where large numbers of people are congregated. We need to get at its causes and root it out. We need to make our streets safe from hoodlums, our merchants safe from burglars as well as looters, and our society safe from the panderers of graft and corruption.

Mr. President, having said that, I want to state that I fear we are kidding ourselves here today if we think that by tightening the controls on the sale of firearms that we are going to have made our streets safe, or put an end to crimes of violence, or to the viciousness of the well-padded, quiet criminal activity that goes on out of sight. We will have done something about these very real criminal problems when we decide, Mr. President, to quit tolerating lawlessness, when we decide to stop putting up with violence, and when we decide to stick the guilty with the penalties rather than slapping restrictions on the innocent as well.

I am not going to vote for any gun control measure which is before us because I view these measures as an infringement upon the rights of those who have possessed weapons for many good and valid reasons without every using them for illegal purposes. I am going to cast my vote against such legislation because I think it takes a back-door approach to the real problem of crime in America.

I say this, Mr. President, fully aware of the arguments which have been made about the necessity to get at the instruments of death. I do not believe that Lee Harvey Oswald, Charles J. Whitman, or the man who shot Dr. Martin Luther King, Jr., to death in Memphis would have had any difficulty acquiring the weapons with which they killed and so shocked our society whether laws such as we have before us today, or even stricter ones, existed or not. If the desire to diminish crime and avert tragedies such as I have enumerated were the only factors involved, new gun legislation would have been enacted long ago. But these are not the only factors to be considered, Mr. President. In my own State, the possession of firearms is a long tradition. Individual citizens possess guns for a myriad of reasons—as hobbies, for protection of home and property, and, of course, for sporting purposes above all others.

It is argued, I know, that the bill before us would work no hardship upon these people. But they disagree. To a man, almost, they disagree, if the people with whom I have discussed this issue in Wyoming, or those who have communicated their feelings to me, are any indication. And I happen to think they are. One might go so far as to say that many honest, mentally sound gun owners are up in arms about this question because they view it as a step toward ever-tighter controls over firearms without regard to their local and regional attitudes and conditions. Nor are these people I gladly represent here today simply being hardheaded. They are cognizant of the problems of law enforcement, particularly in more populous parts of the country. They appreciate the efforts to deal with these problems. They do not, however, appreciate the efforts to make these solutions applicable to people who live in a different environment, with a different tradition and with, very often, a way of life which makes of a firearm an instrument of recreation and enjoyment, rather than an instrument of crime and human tragedy.

Scarcely anyone would object to improvement of the National Firearms Act in order to impose better controls over weapons not suited for sporting use. But the measures at hand go much further and, in fact, invade the area of sporting arms. In my own State, where we are concerned about the future of wildlife management programs supported by the taxes on sporting arms and ammunition, the concern runs deep. Because game animals and birds abound in Wyoming, the attitude which we take toward guns may be entirely different from that in another place. And it is this variety of situations and points of view which must be taken into serious consideration by this body.

Quite frankly, Mr. President, for my own part I would rather the laws pertaining to firearms be locally written. That way they will be enforceable.

Mr. JAVITS. Mr. President, I ask unanimous consent that the statement which the Senator from New Jersey [Mr. CASE] has prepared on the subject of title IV of the pending bill may be printed at an appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement of Mr. CASE is as follows:

STATEMENT BY SENATOR CASE

For years the Senate has been wrestling with the problem of controlling the sale of guns.

Since the Senate Subcommittee on Juvenile Delinquency embarked on its investigation of the sale of firearms in 1961, volumes of testimony have been presented by Governors, Attorneys General, police chiefs, prosecutors and concerned citizens. This testimony has been impressive, not simply in

its volume, but in demonstrating the total inadequacy of the Federal firearms law that has been on the books since 1938.

As the chairman of the Subcommittee on Juvenile Delinquency has pointed out, the wording of the key provision of the 1938 law is so vague and unsatisfactory that the Government has not been able to get a single conviction under this section since it was enacted 30 years ago.

The title we are considering today would revise and strengthen the sadly inadequate 1938 law. The purpose of Title IV, very simply, is to assist the states in enforcing their own firearms laws by requiring that all sales of guns, other than rifles and shotguns, to residents of a state be made only through local dealers in the purchaser's state of residence and under the control of that state.

This step forward is long overdue. Yet, it, too, is inadequate. If we are truly to assist the states in controlling the indiscriminate interstate traffic of firearms, the provisions of Title IV must be extended to rifles and shotguns.

Experience has shown that without Federal regulation of these deadly firearms, gun controls passed by state and local governments are ineffective.

Two years ago, the state of New Jersey enacted a gun control law which applies to rifles and shotguns as well as handguns. The primary purpose of the law is to keep these weapons from getting into the hands of persons who are clearly unqualified to use them. These include criminals, mental defectives, drug addicts, habitual drunks, persons physically incapable of handling guns safely, persons under the age of 18 and others, such as mental patients and alcoholics, to whom the issuance of guns would not be in the public health, safety or welfare.

Basically the New Jersey law works as follows:

A permit is required for the purchase of each pistol or revolver and a special permit is required in order to carry a handgun. These permits may be obtained from the local police department or from the Superintendent of State Police, as the case may be. The person applying for such a permit must have his finger prints taken and filed. These are checked against state and the Federal criminal records. For a special permit to carry a pistol or revolver, the applicant must also show that he is mature enough and possesses sufficient skill and knowledge in handling firearms to not constitute a hazard.

With respect to rifles or shotguns, a purchaser is required to have a simple identification card, the number of which is recorded by the seller in each sale of a shotgun or rifle for police inspection. This card is good for any number of purchases and remains valid unless the holder subsequently becomes disqualified. The same ID card is also sufficient to permit carrying rifles or shotguns.

In addition, strict licensing standards are maintained for manufacturers, wholesalers and dealers, each of whom must maintain careful and accurate records of the disposition of each firearm.

Now, how has this law worked?

According to the New Jersey Attorney General, in the 20 months the law has been in effect state and local police have processed some 85,000 applications for guns. Over seven percent of the applicants were found to have had arrest records and a total of 1,606 applications have been denied. Approximately 75% of the denials were for criminal arrest records, including such crimes as first degree murder, burglary, rape, breaking and entering, lewdness and sex crimes.

Under our New Jersey law, these 1,606 people cannot buy a gun in our state. But they are not prevented from going to another state to make their purchase.

Last July, one year after the new state law took effect, Federal agents from the Alcohol Tobacco and Tax Unit of the Internal Revenue Service made a quick check of gun dealers in jurisdictions surrounding New Jersey. They checked some 56 dealers and found, by examining their records, that 690 New Jersey residents had gone outside the state to make over-the-counter purchases of firearms.

Has there been any effect on crime in New Jersey?

While it is difficult to draw definitive conclusions at this stage, preliminary statistics from New Jersey's new uniform crime reporting system indicates, according to the Attorney General, that firearms were used in 44% of all murders committed in New Jersey in 1967 as compared to 60% nationwide in 1966. Rifles and shotguns were used in 9% of all murders as compared to 16% nationwide, a rate nearly twice as high. Furthermore, firearms were used in nearly 19% of all atrocious crimes nationally as compared to 12% in New Jersey.

Most opponents of the New Jersey law have argued that it would inconvenience and place undue restrictions on legitimate hunters and sportsmen. The New Jersey Division of Fish and Game reports, however, that the sale of hunting licenses has continued to increase since the gun law was enacted. In 1967 a total of 156,000 licenses were sold compared to an average sale of 150,000 in recent years.

The experience we have had in New Jersey indicates, I believe, that our state law is accomplishing what was intended. It is preventing the sale of guns in New Jersey to those who should not have them, and it is not deterring legitimate sportsmen from hunting or shooting.

There is one qualifier; the New Jersey law is preventing criminals from buying their guns in *New Jersey* only. It does not and cannot prevent the 1,606 persons whose applications have been denied from going across the state line to buy a gun. Several months after the New Jersey law was enacted, a New Jersey State trooper was killed by a convicted criminal with a gun bought the day before in a sporting goods store in a neighboring state. He could not have bought the gun in New Jersey.

The volatile situation in our cities has added yet another dimension to the problem. Last summer during the Newark riots the U.S. Attorney for New Jersey reported 91 arrests for weapons offenses. At least 60 guns were confiscated in connection with these arrests. Law enforcement authorities, I am told, are convinced that many of these weapons were used by snipers and rioters who could not have purchased them legally in New Jersey.

The soaring crime rate and the dangerous proliferation of arms sales to juveniles and socially irresponsible elements represent a danger that increasingly menaces our society. It is an incredible fact that 795,000 people have been killed by firearms in our country since the year 1900, 245,000 *more* than have died in all of our wars from the Spanish-American to Vietnam.

A stronger firearms bill covering long guns as well as handguns has been endorsed by the National Advisory Commission on Civil Disorders, the National Crime Commission, the American Bar Association, the National Council of Churches, the AFL–CIO, the General Federation of Women's Clubs and by many other distinguished groups and citizens.

The Senate cannot afford to forfeit this opportunity to pass a meaningful gun control law.

Mr. TYDINGS. Mr. President, 3 years ago President Johnson first asked Congress to enact the State Firearms Control Assistance Act. That bill provided modest Federal controls on the interstate commerce in firearms. Its purpose was to assist the States in enforcing whatever gun laws they wish to enact. Three years and 2,040 pages of congressional hearings later, the Senate is finally voting on a limited portion of that legislation as title IV of the Safe Streets and Crime Control Act.

Title IV, the concealed weapons amendment, is a very limited, stripped-down, bare-minimum gun-traffic control bill, primarily designed to reduce access to handguns for criminals, juveniles, and fugitives.

This concealed weapons amendment does not provide for registration of any firearm or require any permit for purchase of firearms.

This concealed weapons amendment does not affect domestic sale of rifles or shotguns in any fashion. Mail-order and over-the-counter sales of rifles and shotguns are totally exempt from the bill.

Regarding handguns, title IV provides only that handguns must be bought in the purchaser's home State. Mail-order sales of handguns, except between licensed dealers, are prohibited. Likewise, dealers cannot sell handguns to out-of-State purchasers, or minors, fugitives, or felons.

Title IV affects long guns in only two ways. First, it authorizes the Treasury Department to control imports of weapons not suitable for sporting purposes. Second, title IV prohibits sale of any handgun or long gun in violation of the law of the State where the sale is made, or which the seller knows will be used in a felony.

As an avid hunter, who first learned to shoot at his father's knee in the duck blind at the age of 9, I can fairly say that this concealed weapons amendment does not significantly inconvenience hunters and sportsmen in any way. The people it does frustrate are the juveniles, felons, and fugitives who today can, with total anonymity and impunity, obtain guns by mail or by crossing into neighboring States with lax or no gun laws at all, regardless of the law of their own State.

This concealed weapons amendment does not violate any State's right to make its own gun laws. Quite the contrary, title IV provides the controls on interstate gun traffic which only the Federal Government can apply, and without which no State gun law is worth the paper it is written on.

The purpose of this concealed weapons amendment is simply to help the States enforce whatever gun laws each wishes to enact. Without such Federal assistance, any State gun law can be subverted by any child, fugitive, or felon who orders a gun by mail or buys one in a neighboring State which has lax gun laws.

The President, the Attorney General, the Director of the FBI, the President's Commission on Law Enforcement and the Administration of Justice, the International Association of Chiefs of Police, the American Bar Association, and State and local law enforcement officials all across the country have recommended Federal firearms control legislation much more stringent than title IV, the concealed weapons amendment, provides.

The overwhelming majority of Americans, including gunowners, want strong gun controls. A nationwide Harris poll of public opinion released on April 22, 1968, reports that three out of every four Americans, and two out of every three

gunowners, want far more stringent gun controls than title IV provides.

Gunowners and non-gun-owners alike recognize that today's virtually unlimited gun traffic threatens every law-abiding American. In September 1966, Gallup reported that 56 percent of all gunowners favored registration. By September 1967, a Harris poll reported that this support has risen to 66 percent of all gunowners. The April 22, 1968, Harris poll shows gunowner support of Federal laws compelling registration remains at the same high level, with more than two out of every three gunowners in favor of federally required registration of all gun sales. These findings have been confirmed again and again by an entire series of public opinion polls by the Harris and Gallup organizations during the past 2 years.

The almost limitless gun traffic must be brought under control. More than 100 million guns are already in private hands in our country. More than 1 million more a year are being dumped in this country through imports alone. Americans tolerate a rate of gun murder unthinkable in other countries. In 1962, for example, the 4,954 gun murders in this country compared to 29 in Great Britain, nine in Belgium, six in Denmark, five in Sweden, and none in Holland. The soaring gun crime rate endangers every American and is killing and maiming many new thousands of citizens every year.

Effective Federal legislation to protect the American people from gun traffic is long overdue. The time for action is now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Senate will be in order during the rollcall. Attachés will retire to the rear of the Chamber; Senators will be seated.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished senior Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Oregon [Mr. MORSE], are necessarily absent.

I also announce that the Senator from Utah [Mr. Moss] is attending the Fourth Anglo-American Parliamentary Conference on Africa that is being held in Malta.

I further announce that the Senator from Hawaii [Mr. INOUYE], is absent on official business.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from New York [Mr. KENNEDY] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Oklahoma [Mr. MONRONEY] is paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from New Mexico would vote "nay."

On this vote, the Senator from Utah [Mr. Moss] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Utah would vote "yea" and the Senator from New Jersey would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is absent on official business attending the Fourth Anglo-American Parliamentary Conference on Africa at Malta.

On the vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Utah would vote "yea."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from California would vote "nay" and the Senator from South Carolina would vote "yea."

The result was announced—yeas 37, nays 45, as follows:

[No. 138 Leg.]

YEAS—37

Allott	Dominick	Metcalf
Baker	Eastland	Miller
Bennett	Ervin	Mundt
Bible	Fannin	Murphy
Boggs	Hansen	Russell
Burdick	Hatfield	Sparkman
Byrd, W. Va.	Hickenlooper	Stennis
Cannon	Hill	Talmadge
Carlson	Hruska	Thurmond
Church	Jordan, N.C.	Tower
Cotton	Jordan, Idaho	Young, N. Dak.
Curtis	Long, La.	
Dirksen	McGovern	

NAYS—45

Anderson	Holland	Pell
Bartlett	Jackson	Percy
Bayh	Javits	Proxmire
Brooke	Kennedy, Mass.	Randolph
Byrd, Va.	Lausche	Ribicoff
Clark	Long, Mo.	Scott
Cooper	Magnuson	Smathers
Dodd	McClellan	Smith
Ellender	McGee	Spong
Fong	McIntyre	Symington
Gore	Mondale	Tydings
Griffin	Muskie	Williams, N.J.
Gruening	Nelson	Williams, Del.
Hart	Pastore	Yarborough
Hayden	Pearson	Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—17

Aiken	Hollings	Montoya
Brewster	Inouye	Morse
Case	Kennedy, N.Y.	Morton
Fulbright	Kuchel	Moss
Harris	McCarthy	Prouty
Hartke	Monroney	

So Mr. HRUSKA's substitute amendment was rejected.

Mr. TYDINGS. Mr. President, I move to reconsider the vote by which the amendment was defeated.

Mr. KENNEDY of Massachusetts. Mr. President, I move to reconsider the vote.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

ORDER IN THE SENATE

Mr. MANSFIELD. Mr. President, I request that the Sergeant at Arms be directed to clear the Senate Chamber except for those who have business on the Senate floor in connection with the business of the Senate itself or the business of Senators to whom they are attached.

Mr. DIRKSEN. Mr. President, the next order of business——

The PRESIDING OFFICER. Would the Senator from Illinois allow the Chair to fulfill the request of the majority leader before he proceeds?

The Sergeant at Arms will direct all attaches who are present and who do not have business on this bill to retire from the floor.

The Senate will be in order.

The Senator from Illinois.

Mr. DIRKSEN. Mr. President, if Senators will now give attention to the substitute I offer, it is essentially a modification of the original Hickenlooper bill, with some changes; but in view of the vote which was just taken, I now withdraw the substitute.

The PRESIDING OFFICER. The substitute is withdrawn.

The bill is open to further amendment.

AMENDMENT

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Michigan proposes an amendment, on page 98, line 14, to replace the semicolon with a period and strike out the following language:

> Except that for the first renewal following the effective date of this chapter or for the first year he is engaged in business as a dealer such dealer will pay a fee of $25.

Mr. GRIFFIN. Mr. President, this is a very simple amendment. My amendment, in effect, provides that the license fee which would be charged a dealer would be a flat rate of $10 per year. In the bill, as it has been reported by the committee, the license fee is $25 for the first year and $10 for each year thereafter.

My amendment might be called the small business amendment. I think it will be difficult enough for a businessman, particularly a small businessman, to understand and comply with the law,

and the regulations that will be promulgated as a result of this legislation, without imposing license fees which, at least for some small businessmen, will be rather expensive.

I understand that the purpose of raising the license fee to $25 was to discourage some individuals from applying for licenses. However, I do not understand why we should adopt a policy that would, in effect, freeze out some small businessmen.

I do not feel that there has been a valid explanation for raising the fee to $25. Certainly I am not persuaded by the argument that this increase is needed to finance the operations of the Secretary of the Treasury. My amendment proposes that the license fee would not be more than $10. I submit $10 is enough for a small businessman to pay for such a Federal license.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, is the amendment printed?

The PRESIDING OFFICER. The amendment has not been printed.

Mr. McCLELLAN. May I have the opportunity to see it, or have it restated?

The PRESIDING OFFICER. Would the Senator from Arkansas like to have the amendment read again?

Mr. McCLELLAN. I would.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment.

Mr. McCLELLAN. Mr. President, as I understand, the amendment is to strike, on page 98, all of line 14 after the semicolon and the following three lines, and insert a period at that point; am I correct?

Mr. GRIFFIN. The Senator is correct.

Mr. McCLELLAN. Mr. President, I do not see the author of this title on the floor. I will be happy to yield to any cosponsor.

Mr. DODD. I am here.

Mr. McCLELLAN. I am sorry. I yield to the author of the title, the Senator from Connecticut.

Mr. DODD. I think perhaps the Senator from Massachusetts is better qualified on this point. I yield to him.

Mr. KENNEDY of Massachusetts. Mr. President, I think the Senator from Connecticut and myself can give some of the background on the basis of which this figure was reached.

I remember that the initial proposal had a $100 figure at this point, and then, after consideration of the subcommittee, I believe that there was an amendment by the Senator from Indiana [Mr. BAYH] which reduced that figure to $25. It was felt that if this provision was to be self-operative, and we were to collect sufficient revenues to investigate violations of this provision, we ought to provide at least sufficient resources to do just that.

I think the $25 figure was recommended and looked into by the subcommittee, and concluded to be a sufficient figure to conduct a suitable investigation into the record of any prospective dealer, and that is the reason for it.

The committee would be delighted to support a lower figure, but I think if we are interested in providing resources to make the provisions of this act self-operative, it will be difficult to go much below the $25 figure. I think that is the history, but perhaps the Senator from Connecticut could elaborate on this.

Mr. DODD. Mr. President, may I add one thing? The Senator from Massachusetts has properly and precisely stated the background as to how this change from $100 to $25 took place. I recall, as well, that the time the Treasury Department was consulted, and they said they thought they could live with the $25 fee.

I say to the Senator from Michigan, with great respect for him, that the reason for this figure is that they will need funds, some money from these licensees, to help enforce the law. I have no other interest in it being at any particular level.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. GRIFFIN. If the fee were somehow graduated to reflect the size of the concerned business, it would meet my approval. I think charging the small dealer $25 is a little unfair. I happen to be personally acquainted with several small hardware dealers. I think that even $10 a year, frankly, is an imposition, but that a $25-a-year fee would be more than an imposition—it would be discriminatory against the small dealer.

Mr. DODD. Would $15 per year be acceptable?

Mr. GRIFFIN. The yeas and nays have been ordered on my amendment, and I am not in a position to modify it.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I yield.

Mr. KENNEDY of Massachusetts. As I understand, the bill as reported applies a $25 fee the first year, and $10 each year after that.

Mr. DODD. That is correct.

Mr. KENNEDY of Massachusetts. It was felt that the $25 figure would cover in part the initial investigatory procedures of the Treasury Department to make sure that the dealership is a reputable kind of firm, and after that, the fee is reduced to the $10 figure; so any renewal of the license would be at the figure the Senator from Michigan has stated.

I believe if we are interested in providing an amount which would approach the cost of policing the legislation, the $25 and $10 figure is really not unreasonable.

I have nothing further to add.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Would it be in order for me to move to amend the amendment of the Senator from Michigan?

The PRESIDING OFFICER. The amendment is open to amendment.

Mr. DODD. I move to amend the amendment of the Senator from Michigan by substituting the figure "$15" instead of "$10."

Mr. ALLOTT. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLOTT. I call the attention of the Chair to the fact that the amendment has been offered, called up, and read, and the yeas and nays have been ordered. The amendment, therefore, cannot be amended except by unanimous consent.

The PRESIDING OFFICER. The Chair advises the Senator from Colorado that the amendment is amendable, but that it cannot be done until all of the time on the amendment has been used. The Senator from Michigan cannot modify it except by unanimous consent.

Mr. ALLOTT. And neither can anyone else.

The PRESIDING OFFICER. They cannot modify it, but they can amend it.

Mr. ALLOTT. That was the point of order I made, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Are we operating under a time limitation?

The PRESIDING OFFICER. We are operating under a time limitation.

Mr. GRIFFIN. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Senator from Michigan has control of half the time, which is 30 minutes. The Senator from Arkansas [Mr. McCLELLAN] has control of the remainder of the time, and the Chair believes he has yielded that time to the Senator from Connecticut and the Senator from Massachusetts.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to say just a few words on the amendment offered by the distinguished Senator from Michigan, which I believe ought to be supported.

We find ourselves once again in the situation where people who feel one way about a matter, such as gun legislation do not understand and perhaps cannot understand the point of view of those of us who feel differently about such a matter.

The situation in my State is not any different, essentially, from the situation in the States of Nebraska, Kansas, Oklahoma, North Dakota, Nevada, Wyoming, or in fact any of the Western States where a great proportion of the people engage in large and small game hunting. As a matter of fact, it is astounding to note the number of out-of-State hunting licenses that are sold each year in Colorado to people from the East, who come out there to shoot deer and elk.

The junior Senator from Texas [Mr. TOWER] tells me that I may also include the State of Texas in my remarks.

I am informed by the Senator from Utah [Mr. BENNETT] that I may also include the State of Utah in my remarks.

I am informed also by my friends, the senior Senator from Idaho [Mr. CHURCH] and the junior Senator from Idaho [Mr. JORDAN], that I may also include the State of Idaho in my remarks.

The point is that in these areas we have vast distances between towns and only

one or two or three major towns in a State which may be 200 or 300 miles distant and about 6, 7, or 8 hours' driving time away from the place where the hunting occurs.

Sometimes when a person goes hunting, something goes wrong with his gun. He wants to get his gun repaired, or perhaps has to buy a new one in one of these small towns. That happens all the time because if a man sends his gun away to be repaired, he would lose his investment in his hunting trip. He therefore buys a new gun.

Where does he buy it? He goes into a village with only 200, 300, or 400 people residing in it. Ofttimes, there is only one general store in that village. The general store may sell groceries, dry goods, and a dozen other things. It may also sell some hardware and guns.

These people are not engaged in the business of being gun dealers like the big dealers in larger cities. They are small business people.

I do not hold with the argument that the collection of the fees should be sufficient to finance the enforcement of the measure. We are placing this on the people.

I say to my friends who have been on the other side in this debate that we ought to have some consideration for these people.

The people who will be hurt if this amendment is not adopted are the people in the small towns, not only in the West, but also in the Midwest, and, I would surmise, in some areas in the East.

I hope that the Senate will examine this measure.

I think that the amendment of my friend, the Senator from Michigan, is reasonable. I think that if we were to add on the amount that has been suggested, it would be unreasonable.

I hope the amendment is agreed to.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield 1 minute to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Colorado has gone to the heart of the opposition to gun legislation in rural America. He described how the people in Colorado feel.

The same situation exists in North Dakota. Perhaps nine out of 10 gun dealers in my State do not handle small arms. The small town hardware merchant may have a rifle or a shotgun or two. That small town merchant would have to pay the same license fee, and he is having a hard time now in making a go of it.

I have never heard anything as unreasonable as the proposal to charge the small town merchant a big license fee.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, is the Senator from Connecticut prepared to yield back the remainder of his time?

Mr. DODD. Mr. President, I should like to have about 2 minutes to determine whether I should yield back the remainder of my time now.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time for the suggestion of a quorum will be charged to which side?

Mr. GRIFFIN. Mr. President, I ask unanimous consent that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I do not think this is a matter worth quarreling about. I do not wish to place any hardship on any of the people in the great western part of our country. I am willing to accept the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Michigan yield back the remainder of his time?

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Michigan want the yeas and nays withdrawn?

Mr. GRIFFIN. Mr. President, I ask unanimous consent, in view of the statement by the Senator from Connecticut, that the yeas and nays be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 780

Mr. CURTIS. Mr. President, I call up my amendment No. 780.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 19, strike out all of pages 19, 20, 21, 22, 23, and down through line 14 on page 24.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. CURTIS. Mr. President, I yield myself 10 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is the Senate operating under controlled time?

The PRESIDING OFFICER. Only as to amendments to title IV.

Mr. CURTIS. This is not an amendment to title IV.

Mr. President, my amendment No. 780 is a printed amendment. Its purpose is to strike from the bill pages 19, 20, 21, 22, and 23, and through line 14 on page 24. That includes parts B and C. Part B provides for planning grants. I read from page 19, beginning on line 6:

The Administration is authorized to make grants to States, units of general local government, or combinations of such States or units of local government for preparing, developing, or revising law enforcement plans to carry out the purpose set forth in section 302.

Mr. President, this is a new program in grants to the States. If this program is enacted and grants are made to some communities, how will the Federal Government say "No" to all the other communities?

No time limitation is placed on this provision. No showing has been made that the U.S. Government is in better financial position than are the local governments to support their police.

It is one more grant program. I call attention now to significant language on page 20. Part C relates to grants for law enforcement purposes. I read again, beginning on line 6:

The Administration is authorized to make grants to States, units of general local government, and combinations of such States or units of general local government to improve and strengthen law enforcement. . . .

The language continues and even includes the construction of buildings and the providing of facilities.

Mr. President, this is another new grant program. What will we gain by staying in session long hours, struggling with the subject of the gold drain and the dollar; staying long hours in conference over the matter of controlling expenditures and raising taxes; and then taking on a new program—in fact, two new programs—of grants to States and local governments?

Mr. President, there is no money in the till. This proposal would have to be funded with borrowed money. Every time we increase the debt of the United States by a billion dollars, upward of $43 million must be raised each year thereafter, until some administration appears on the scene and lowers the debt by a billion dollars.

Of course the mayors want this program. Of course officials of county governments want it. Of course the States will be receptive to it. On the other hand, we in Congress have a responsibility to protect the interests of the United States, and that includes its financial interest. We have a responsibility to pay the Government's debts. We have a responsibility to maintain the value of our money.

What business have we to start two new grant programs? Of course, it is a laudable purpose. Of course, more money needs to be spent on law enforcement. But when are we going to learn that problems are not solved by Congress meeting and appropriating money? The appropriating of money by Congress will not change the rules of the Supreme Court. The appropriating of money by Congress will not change a permissive society to a disciplined one. The appropriating of money by Congress will not generate a spiritual force that will transform the lives of people.

Of course we have a crime problem. But we are applying the same old remedy that has been applied to problems for 30 years, while they have become worse all the time—open up the Federal Treasury.

I am not unaware that there will be plenty of recipients for this money. I am not unaware that some of them have asked for it. I am not unaware that the provision is in the bill and that it has committee support. But my conscience will not permit me to remain quiet and acquiesce in starting new grant programs when we are so broke that we do not even pay our bills.

The deficit we create includes also what we pay in interest on the national debt. When former President Eisenhower left office, the interest on the national debt was approximately $9 billion. Today it is $14.4 billion.

If we could wipe out all the Vietnam expenditures, we still would have a deficit. The big growth in expenditures has been in the domestic civilian programs of government. Let us not be deceived by the idea that if, by some good fortune, the war came to an end—and that would be most pleasing to all of us—there would be money for everything. There would not. The obligations of our country that have piled up exceed our ability to pay, and we sink further and further into debt.

Mr. President, I am aware of the realities facing me. I know that the bill will be defended by the committee, so I shall take no more time of the Senate. But I want the record to show that I do not favor adding two grant programs that will not end until they have reached every corner of the country and will not end at any time in the foreseeable future, because we do not have the money.

I yield the floor.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska [putting the question].

Mr. CURTIS. I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent request and ask that it be read.

The PRESIDING OFFICER. The unanimous-consent request will be read by the clerk.

The assistant legislative clerk read the unanimous-consent request, as follows:

Ordered, that beginning Monday next, during the further consideration of the unfinished business, S. 917, all debate on amendment No. 788, to be offered prior to Monday next by the Senator from Maryland [Mr. TYDINGS], be equally divided between the Senator from Maryland and the manager of the bill, the Senator from Arkansas [Mr. MCCLELLAN], or whomever they may designate; and that the vote on said amendment occur no later than 2 p.m. on Tuesday next.

Provided, That if there are any amendments to the Tyding amendment or to any of the matter to be stricken by that amendment that have not been disposed of prior to that time, then the debate on said amendments will be limited to one hour, to be equally divided and controlled by the proponent of the amendment and the Senator from Maryland, or whomsoever they may designate.

Provided further, That no vote on any amendment to the Tydings amendment or to any of the matter to be stricken thereby, or on the Tydings amendment, be taken prior to Tuesday next.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The Tydings amendment, I gather, is an amendment to strike title II.

Mr. MANSFIELD. Yes.

Mr. JAVITS. Mr. President, I may be unable to be present because of absence from the Senate on official business. But I am just stating that to the Senator, and he must make the decision. I certainly would not wish to impinge on the work of the Senate because I happen to be somewhere else because of international duties.

I ask the Senator about the remainder of the bill. Does he have any intention of asking for another unanimous-consent request?

Mr. MANSFIELD. We are taking this bill, title by title, and doing the best we can. I do not know what will happen.

Mr. JAVITS. May I say to the majority leader that I would hope that if he does have another one, I will be back by 3 o'clock on Thursday. I hope the Senator will try to accommodate me.

Mr. MANSFIELD. I will, indeed.

Mr. GRIFFIN. Reserving the right to object, Mr. President, may I inquire if the amendment to be voted on on Tuesday is an amendment to strike title II?

Mr. MANSFIELD. It will be considered in parts.

Mr. TYDINGS. I intend to call up my amendment No. 788.

Mr. MCCLELLAN. It has not been called up yet?

Mr. TYDINGS. It has not been called up yet. It is a motion to strike. Other amendments may be offered by other Senators.

The purpose of the unanimous-consent request was to notify all Senators that voting would begin on Tuesday; the time would be divided between the Senator from Arkansas and myself; and the voting, not only on the motion to strike, but also any amendments with respect to title II would be taken on Tuesday next.

Mr. GRIFFIN. I have an amendment to title II. I will not be here Monday and I wanted to be sure I would not be foreclosed.

Mr. MCCLELLAN. The way in which to get a vote on it is to offer it.

Mr. GRIFFIN. Does the leader anticipate that we will come in early Tuesday?

Mr. MANSFIELD. If the Senator desires, we could come in at 10 a.m. or 11 a.m.

Mr. GRIFFIN. That would give us more time.

Mr. TYDINGS. I would suggest 9:30 a.m. or 10 a.m. myself.

Mr. MANSFIELD. Let us make it 10 a.m.

Mr. MCCLELLAN. As I understand the situation, it means that this amendment should be laid down before the unanimous-consent request is agreed to.

Mr. MANSFIELD. That is my error. I request that the Senator from Maryland call up his proposal now.

AMENDMENT NO. 788

Mr. TYDINGS. Mr. President, I call up my amendment No. 788 and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 788) as follows:

On page 43, beginning with line 9, strike out through the matter preceding line 3 on page 48.

On page 48, line 3, delete "TITLE III" and insert in lieu thereof "TITLE II".

On page 80, line 15, delete "TITLE IV" and insert in lieu thereof "TITLE III".

On page 107, line 5, delete "TITLE V" and insert in lieu thereof "TITLE IV".

Mr. MANSFIELD. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. What is the request?

Mr. MANSFIELD. To vote on Tuesday.

The PRESIDING OFFICER. Does the Senator wish to suspend rule XII?

Mr. MANSFIELD. Yes. I ask unanimous consent to suspend rule XII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request?

Mr. MCCLELLAN. Mr. President, reserving the right to object, as I understand the effect of this unanimous-consent request, it is that tomorrow there will be no controlled time.

Mr. MANSFIELD. The Senator is correct.

Mr. MCCLELLAN. Anything can be discussed and any other amendment offered that is to be offered.

Mr. MANSFIELD. The Senator is correct.

Mr. MCCLELLAN. Could it be offered without laying aside the pending amendment?

Mr. MANSFIELD. Only under unanimous consent.

Mr. MCCLELLAN. Therefore, the situation is that until Tuesday at 2 p.m. there will be no votes; but beginning on Monday the time will be controlled on the motion to strike.

Mr. MANSFIELD. The Senator is correct. However, I wish to say that the Senator from Arizona has an amendment to title I which would include Indians, if under a unanimous consent that could be considered. It is noncontroversial and I expect there will not be a record vote.

Mr. MCCLELLAN. By unanimous consent, that amendment may be considered and voted on while this measure is pending.

Mr. MANSFIELD. The Senator is correct.

Mr. McCLELLAN. Would time be limited?

Mr. MANSFIELD. Limited time would start on Monday. The joint leadership—because this has been cleared with the minority leader—would, of course, be very flexible in regard to the suggestions made by the chairman of the committee considering the bill, the distinguished Senator from Arkansas [Mr. McCLELLAN] and the sponsor of the proposal now before us, the distinguished Senator from Maryland [Mr. TYDINGS].

Mr. McCLELLAN. Mr. President, I mention one other thing, to clear up the matter. At 2 o'clock on Tuesday, if amendments are pending to title II, if a Senator wants to insist upon a vote, he will have 1 hour in time, to be equally divided between the sponsor of the amendment and the Senator in charge of the bill, to debate the matter further before a vote is taken on it.

Mr. MANSFIELD. The Senator is correct. That would be on Tuesday.

Mr. McCLELLAN. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Montana, with the proviso that the Indian amendment may be called up?

Mr. MANSFIELD. We will leave that part out.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The unanimous-consent agreement was later reduced to writing, as follows:

Ordered, That effective Monday, May 20, 1968, during the further consideration of S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, all debate on the pending amendment (No. 788) offered by the Senator from Maryland [Mr. TYDINGS] be equally divided and controlled by the Senator from Maryland and the Senator from Arkansas [Mr. McCLELLAN], or by any Senator designated by them, and that the vote on that amendment occur not later than 2 o'clock p.m. Tuesday, May 21.

Provided, That if there are any amendments to the Tydings amendment or to any of the language proposed to be stricken out by the Tydings amendment that has been disposed of prior to that time, debate on such amendment or amendments will be limited to 1 hour to be equally divided and controlled by the proponent of the amendment and the Senator from Maryland [Mr. TYDINGS] or any Senator designated by him.

Provided further, That no vote on any amendment to the Tydings amendment or to any of the language proposed to be stricken out by the Tydings amendment shall be taken prior to Tuesday next, except by unanimous consent.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, if it meets with the approval of the distinguished Senator from Arkansas, I ask unanimous consent that when the Senate concludes its business tonight, it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY NEXT UNTIL TUESDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business on Monday next, it stand in recess until 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TYDINGS. Mr. President, it is my understanding, and I hope that the Senator from Arkansas agrees, that on Tuesday we will begin voting at 2 p.m.; and that we will stay in session Tuesday evening until we have disposed of the amendments on title II.

Mr. MANSFIELD. All I can say is that we will do our best because I am in full accord with all the Senator's wishes in that respect.

Mr. McCLELLAN. The final vote on the motion to strike on any section cannot come until amendments to that section have been disposed of.

Mr. MANSFIELD. The Senator is correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order. Attachés will be seated.

MESSAGE FROM THE HOUSE

A message brom the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. THOMPSON of New Jersey, Mr. CAREY, Mr. SCHEUER, Mr. BRADEMAS, Mr. AYRES, Mr. GOODELL, Mr. ASHBROOK, and Mr. REID of New York were appointed managers on the part of the House at the conference.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ERVIN. Mr. President, I send to the desk an amendment to the pending bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes an amendment as follows:

On page 46, line 11, strike out the word "into" and insert in lieu thereof the word "in".

Mr. ERVIN. Mr. President, I ask that the amendment be considered and agreed to at this time. It is purely to correct a typographical error.

I have consulted with the Senators most interested in this title, and they have advised me that they have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, has the Senator from North Carolina discussed the matter with the distinguished junior Senator from Maryland [Mr. TYDINGS]?

Mr. ERVIN. I have. I showed the proposed amendment to the junior Senator from Maryland, and he assured me that he had no objection.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

NEWSPAPER EDITORIALS CRITICIZE TITLE II OF CRIME BILL

Mr. TYDINGS. Mr. President, editorials critical of title II of the crime bill have appeared in a number of newspapers in the Nation. I think it will be useful to Senators to see the views expressed in these editorials from the New York Times of April 27 and May 15, from the Salt Lake Tribune of May 5, from the Atlanta Journal and the Atlanta Constitution of May 5, from the Dominion News, Morgantown, W. Va., of April 25, and from the Washington Post of May 3 and May 6. In addition, columns have appeared by Dana Bullen in the Washington Evening Star of May 3 and in the Christian Science Monitor of May 4.

I ask unanimous consent that these editorials and articles appear at this point in the RECORD.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, May 15, 1968]

TARGET: THE SUPREME COURT . . .

The omnibus crime control bill is coming to a climax in the United States Senate this week. Seldom has a potential law that would affect the courts, the police and fundamental concepts of justice in every community in the country been so charged with sectional politics, facile solutions and clearly discernible prejudice against the ignorant and the poor.

But there is even larger game behind the scenes. The fact is that the real "enemy" of the most crucial section of the bill, Title II, is not the criminal but the United States

Supreme Court. It is "the Warren Court" that is really under attack. This is the court that since 1954 has committed such "crimes" as the school desegregation case and a host of landmarks (such as Miranda, Mapp, Mallory and Wade) on the right to proper legal representation, confessions, search and seizure and fair trial.

The controversial Title II would abolish Federal habeas corpus jurisdiction over state criminal convictions in clear violation of Article I, Section 9, of the Constitution; abolish Supreme Court jurisdiction to review state criminal cases in which confessions or eyewitness identifications have been admitted in evidence; require Federal courts to admit such evidence even if obtained in violation of the specific safeguards erected by the Supreme Court.

Attorney General Clark has warned that law enforcement would be harmed if Congress included this title in the crime bill. He has expressed grave reservations because it would deny citizens their rights, circumvent the Supreme Court's decisions that are now the law of the land, and be of doubtful constitutionality. Hundreds of legal scholars and the deans of 23 law schools have expressed the view that Title II should not be enacted into law.

The titles in the omnibus crime bill deserve full debate and amendment. There are useful sections, but Title II is not one of them. It would do nothing to halt big-time criminals who know the rules of the game and can afford expensive legal talent to protect them. It would strike at the alleged criminals who frequently do not know their rights and require not state but Federal review of their cases. And it would ambush the Supreme Court by devious legislation that, in the long run, would only cause confusion throughout the judicial system and doubtless end up by being held unconstitutional.

[From The New York Times, April 27, 1968]

ATTACK ON THE COURT

The Senate Judiciary Committee has reported a "crime control" bill which would deeply invade the power of the Supreme Court. If the nation's highest court is to remain an effective defender of the liberties of the individual, it is imperative that the Senate reject this bill when it comes to the floor next week.

The measure provides that a Federal court would have to admit a confession as evidence if the trial judge found that it was "voluntarily given." But many nominally voluntary confessions are extorted from frightened suspects who are under various kinds of psychological duress. If equal justice is to prevail for poor as well as rich, ignorant as well as educated, the procedural safeguards defined in recent Supreme Court decisions must be maintained.

In criminal cases arising in state courts, the bill would forbid the Supreme Court or any other Federal court to look into a trial judge's rulings on the admissibility of a confession. The highest state court would have the final say. It is no surprise that Senator McClellan of Arkansas and other Southern conservatives pushed for this provision. Negroes and poor white have not always received justice in some Southern courtrooms, and only the power of Federal judges to intervene has righted some glaring injustices.

The regressive language concerning confessions barely survived in committee on a 9-to-9 tie vote. The full Senate ought to throw out this language, along with another section of the bill that is equally inimical to individual freedom. It would deny to the Supreme Court and other Federal courts the power to review criminal convictions in state courts on writs of habeas corpus.

The original purpose of this bill, as proposed by the Johnson Administration, was to channel Federal funds to local police and judicial agencies. That purpose survives, but the Southerners in subcommittee provided that Title VI of the 1964 Civil Rights Act would not apply in dispensing the moneys. This is the title that bars Federal funds to any local government agency which practices racial discrimination—as many Southern police forces do. Although the full committee softened this provision somewhat, the effect would still be to permit Federal money to go to Jim Crow law-enforcement agencies, an intolerable prospect.

A positive feature of the bill is its ban on the mail order sale of pistols and revolvers. The same ban should be extended to rifles and shotguns. But even though this newspaper has long endorsed gun control, we would not purchase that desirable reform at the price of a dangerous attack on the authority of the Supreme Court.

Attorney General Clark already has made clear the Administration's "grave reservations" about using key sections of this bill. This is an encouraging start in a necessary fight. Politically attractive as it is to be against crime and for "safe streets" in an election year, responsible officials must not countenance a destructive and demagogic attack on the authority of the Federal judiciary.

[From the Salt Lake Tribune, May 5, 1968]

CRIMINALS' RIGHTS ALSO YOUR RIGHTS

Since they never expect to be charged with crime themselves, a growing number of Americans are calling for a loosening of legal procedures and elimination of some judicial safeguards they feel have worked to the advantage of lawbreakers and contributed to the nation's mounting crime rate.

Pressure to stop "coddling criminals" has taken the form of attacking recent U.S. Supreme Court decisions defining and elaborating on the rights of accused persons. Critics say the court has, by its interpretations of the Constitution, greatly hampered law enforcement. They now are moving to restrict the court's field of review and undo what they see as some of its most objectionable decisions.

A heated battle between opponents and supporters of the court can be expected any day in the Senate which is beginning consideration of the Johnson Administration's crime bill. In its original form this legislation contained no attempt to handcuff the court but two senators, Sam J. Ervin Jr. (D–N.C.) and John L. McClellan (D–Ark.) mustered enough strength in the Judiciary Committee to have their anti-court provisions tacked on.

The provisions would: 1. Reverse the Supreme Court's landmark Miranda ruling which held that confessions were inadmissible unless the suspect had first been warned of his rights.

The amendment declares instead that voluntariness shall be the sole criterion of the admissibility of a confession in federal courts.

2. Reverse another decision which said that suspects in police lineups were entitled to counsel by declaring that eyewitness testimony that a defendant had participated in a crime was admissible in any federal court regardless of the circumstances of the lineup.

3. Reverse a third decision which interpreted the federal rules of criminal procedure as requiring that no confessions be admissible if they were given during an unreasonable delay between arrest and arraignment of the defendant.

4. Abolish the jurisdiction of the federal courts to review state convictions in habeas corpus proceedings.

5. Abolish the jurisdiction of the Supreme Court and all other federal courts to overturn a state court's findings that a confession was voluntary or that a lineup identification was admissible.

Provisions one and two appear to be unconstitutional because Congress cannot reverse a Supreme Court decision interpreting the Constitution merely by adopting contrary procedural rules. The third provision raises no legal problem since Congress enacted the rules of criminal procedure and therefore has the right to change them.

There is doubt about constitutionality of the fourth provision and the fifth proposal touches on one of the most sensitive unanswered questions about the Constitution: Does Congress have power to block the Supreme Court from enforcing a controversial doctrine by passing a statute abolishing the court's jurisdiction to consider appeals on the subject?

The court itself held in 1869 that Congress does indeed have broad power to putter with the court's jurisdiction but Congress has steered away from doing so because of the obvious danger of upsetting the checks and balances system which is an integral part of American democracy.

We are glad the long gathering battle over the Supreme Court is about to break on to the Senate floor. In the long run the best interests of all citizens will be served by defeat of the five Ervin-McClellan amendments.

Backers of these amendments are taking the short-term view. They want convictions at the cost of full justice and they choose to ignore the subtle fact that by denying a criminal the right to full protection under the law they also are denying all people that right. As former Justice Tom C. Clark has noted "It happens that most cases are tested out by criminals but if they are deprived of these rights, you, too, lose them."

Today's upright citizen could possibly run afoul of the law tomorrow. The real question raised by the Ervin-McClellan amendments is not one of what rights criminals should have, but one of deciding what rights all members of this republic want for themselves.

[From the Atlanta Journal and the Atlanta Constitution, May 5, 1968]

FOLLY IN THE SENATE

The Senate Judiciary Committee has reported the Safe Streets and Crime Control Bill, but somewhere in the process of that panel's deliberations what was a notable tool for reform in the administration of justice has become a frightening piece of legislation.

The bill as it was sent to the Senate this week would legalize wire tapping and other electronic invasion of privacy and seriously restrict the criminal jurisdiction of the federal courts, including the Supreme Court of the United States.

The temper of these mutilations of a good bill is rather hysterical. They would demolish the effectiveness of the landmark decisions which the Supreme Court has made on the admission in trial court of eye-witness testimony and confessions.

In making these decisions, the high court underlined the guarantees every American is given in the Fifth and Sixth Amendments. This bill, as it stands, diminishes those guarantees.

Specifically, the bill would deny the federal courts the right to review writs of habeas corpus and state trial court decisions on admission of testimony of alleged eye-witnesses and the voluntariness of confessions.

The habeas corpus procedure is not to be tampered with, and we are appalled that any senator, however narrow his view, would think to undermine a fundamental aspect of American liberty.

This protection against illegal imprisonment is a right dear to this nation's heart, and it is a right deserving of protection, including the federal judiciary's. To limit that protection is folly.

Folly, too, is an apt word to describe other sections of the bill. The right of privacy guaranteed in the Constitution has been violated—and is being violated—with shameful flamboyance by federal and state agencies. The sophisticated means of snooping that these agencies have developed call to mind George Orwell's novel of Big Brotherism—"1984."

The Supreme Court has effectively limited these privacy-invaders. At least, the court has ruled that what they learn is not admissible evidence. Instead of permitting wire-tapping and the like, the Senate should look to the evils of such practices. They far out-reach any value such snooping has in law enforcement.

Who suffers? The people do. The rights we are guaranteed in the Constitution have held this nation together far more than the stock of our armories or the hot air of our politicians.

The Senate should remove these objectionable sections.

[From the Morgantown (W. Va.) Dominion News, Apr. 25, 1968]

SENATE BILL RESTRICTS RIGHTS OF APPEAL

Our American heritage includes the right to a fair trial and the right to appeal through state courts and, if constitutional rights or other federal issues can be shown, the right to appeal to the Supreme Court of the United States.

Sometimes the high court's actions in protecting the rights of individuals and groups with which we disagree cause us concern and provoke widespread criticism.

If the courts are to be swayed by public criticism or political considerations, then we do not have justice.

If legal procedures and constitutional protections are not assured by the highest federal court to everyone, even those we despise, we are all in danger of a breakdown of our form of government with its checks and balances of power among the legislative, executive and judicial branches.

Members of the Supreme Court are appointed for life and are removed from the pressures exerted on local and state courts.

Many people deplore safeguards of the law as interpreted by the Supreme Court regarding criminals. The Court has held that any accused man has the right to have an attorney present in making statements to police and that police and prosecutors can not force prisoners to sign confessions or other self-incriminating evidence.

A legislative attack on Supreme Court powers and the rights of citizens to appeal to U.S. courts from state court decisions relating to admission of confessions as evidence in trials has been made in Senate Bill 917.

The Judiciary Committee, headed by Senator Eastland of Mississippi, has adopted an amendment (Title 2) to the Safe Streets Bill which would remove the right of appeal from state courts to Federal courts for review of decisions on admitting confessions. The amendment would remove defendant's rights to a writ of habeas corpus to Federal Courts.

This is a concern of all free men, especially West Virginians who do not have an automatic right to appellate court review of a criminal conviction, a right most states grant in their constitutions.

The much criticized Supreme Court decision on confessions has not resulted in fewer convictions, a recent survey showed. It has required police and prosecutors to prepare better evidence than sometimes was the case when police could use force to obtain confessions, even from innocent prisoners.

The amendment to the Senate bill would lessen everyone's rights under the law and should be removed on the floor of the Senate.

[From the Washington (D.C.) Post, May 6, 1968]

ATTACK ON THE COURT

The effrontery of the Senate Judiciary Committee in recommending Title II of the crime bill is surpassed only by the manner in which its sponsors are now attempting to persuade their colleagues to pass it. The four provisions of this section of the bill have been presented on the Senate floor merely as revisions in the rules of evidence and in the procedures for federal court review of state criminal cases. They have been more accurately described by 35 members of the Harvard Law School faculty as making "far reaching . . . changes in the working of our constitutional system." They are, in fact, as serious an attack on the judicial system as the one beaten back in the 1950s and far more serious than the ill-fated "court-packing" plan of the 1930s.

For example, one section of the legislation would compel the Supreme Court to accept any state supreme court finding that a confession was voluntary. That would return the law to where it was prior to 1936 when the Supreme Court said it couldn't agree with Mississippi that a man had confessed voluntarily when his confession came after he had been hanged twice from a tree limb and then tied to the tree and beaten until he confessed. Cases like this still arise. Last December, the Supreme Court unanimously said it couldn't agree that a man confessed voluntarily when he made a statement after he was stripped naked and confined in a box six feet long and perhaps 12 feet wide for 15 days; the box had nothing in it except three prisoners and had one opening, a hole that served as a commode. The State of Florida saw nothing wrong with that and neither do the sponsors of this part of the crime bill. Their proposal would bar the Supreme Court from acting in cases like these; this according to Senator McClellan, would be restoring "a sound rule."

Another part of this same Title II is an effort to deprive the federal courts of the power to issue writs of habeas corpus to state prisoners. This simply means that regardless of how bad a state court system might become and regardless of how flagrantly Federal Constitutional rights might be violated the federal courts would have no effective way of dealing with the situation. Some Senators may wish to place their liberty solely in the hands of state court judges but most Americans, we believe, are not eager to give their Federal Constitutional rights to the tender hands of the courts of some states. Senator Tydings was right in saying that this provision "would roll back a century of progress in American constitutional law and restore American criminal procedure to the Dark Ages."

The other provisions of Title II are similarly misguided. They would create havoc with the American judicial system and they deal with some of the delicate problems in the administration of justice with a meat ax.

[From the Washington (D.C.) Post, May 9, 1968]

THE COURT'S ANSWER

Except for the fact that the Senate is now debating several proposals designed to limit the role of the Supreme Court in criminal cases, the Court's decision Monday on self-incrimination would go unnoticed. The decision is a narrow one as the Court's work goes and of relatively little importance. But the timing of it and the language Justice Black used in announcing it underline the conflict between the Court's view of the Constitution and the view held by the backers in the Senate of Title II of the Crime Bill.

The Court's decision was that a man who is in jail and who is being questioned about his income tax returns must be warned that anything he says may be used against him in a criminal case, that he has a right to have a lawyer with him when he is questioned, and that he can remain silent if he chooses. The holding is directly in line with the Court's decision in the *Miranda* case which is the decision that the first part of Title II attempts to overturn.

This effort by the Senate to upset *Miranda* is of doubtful constitutionality, as even some of its most vigorous proponents have admitted. Their goal, they say, is to convince the Court that it was wrong. But the Court's reiteration of its belief in the rightness of its decision should give them little hope. Referring to *Miranda* as a "great case," Justice Black said that "however much it may be criticized, (it) was an earnest, honest attempt by this Court to perform its duty under the Constitution to enforce the Fifth Amendment."

The Senate would be well-advised in its current debate to remember that a fundamental principle of the American legal system is that a defendant is considered innocent until the Government proves him guilty. The Fifth Amendment's bar against self-incrimination and the Sixth Amendment's guarantee of the right to counsel were designed to reinforce that principle. Undoubtedly it would be easier to convict defendant without these protections. What the Court has tried to do in the decisions now under attack is to make these protections meaningful. What Title II of the Crime Bill attempts to do is to pretend these protections exist but strip them of any real meaning. It is good to know that the Court wants no part of that kind of sham.

[From the Washington (D.C.) Star, May 3, 1968]

CRIME FIGHT: THE CLUB VERSUS THE WALLET

(By Dana Bullen)

At a cocktail party, in the barber shop, even in the Senate of the United States, one of the fastest ways to get people hot under the collar these days is to start talking about the crime problem.

Everyone has the answer.

For one group, it is a simple matter of "getting tough" on crime by removing court-ordered "technicalities" that prevent the police from doing their job.

One "technicality" is the Supreme Court's Miranda decision two years ago banning police use of confessions obtained from suspects who have not been effectively warned of their rights. Another is the 1957 Mallory decision barring use of confessions in federal courts in cases in which there is an unnecessary delay in a defendant's appearance before a magistrate.

A second group sharply disagrees. In its view, the only real way to "get tough" on crime is more money. Along with gun control measures, this group's answer is more financing for everything from police radios to probation officers.

The crime bill reported to the Senate floor several days ago embodies both views.

In line with President Johnson's crime messages, it would provide $100 million the first year and $300 million the second year to stimulate better police training and crime-fighting techniques.

A pilot program—with a fraction of the money the administration's bill would provide—already has shown what can be done.

New York, for example, is developing a statewide television system for identifications. A national survey of police laboratory needs is under way. Some 650 small and medium-sized police departments have been afforded improved officer training programs.

The bill before the Senate, however, does not stop here.

It also would undo controversial Supreme Court decisions, strip federal courts of part of their jurisdiction, permit wiretapping in a variety of circumstances and provide for limited gun controls.

Although the wiretapping and gun control sections are sufficiently controversial by themselves to keep senators talking for weeks, th , main showdown is shaping up over the proposals to undo Supreme Court decisions and restrict the power of the federal courts.

Specifically, these parts of the bill would:

1. Blunt the Miranda decision by making "voluntary" confessions admissible in federal courts despite failure of the police to advise a suspect of his rights.

2. Scrap the Mallory decision by providing that a confession would not be inadmissible in a federal court solely because of delay in arraigning an arrested person.

3. Abolish the authority of the Supreme Court and other federal courts to review a state court's finding that a confession was voluntary or that a line-up identification was admissible.

4. End the authority of federal courts to examine state criminal convictions in habeas corpus proceedings.

The proposals, by their very terms, virtually rule out any chance of a face-saving compromise between proponents and opponents.

In the report accompanying the four proposals to the Senate floor, eight of the Senate Judiciary Committee's 16 members charged that "it simply makes no sense" to exclude "voluntary" confessions.

"No matter how much money is spent . . ." the report said, "crime will not be effectively abated so long as criminals who have voluntarily confessed their crimes are released on mere technicalities."

But what is one man's "technicality" may be another's constitutional right.

In a speech several days ago discussing the Miranda case and other rules, retired Justice Tom C. Clark put it this way:

"While I dissented in most of these cases, it is fair to say that these protections are necessary under our system of ordered liberty. A person is only so free as all persons are free; and you are protected from unlawful action only to the extent that all persons are protected. It happens that most of the cases are tested out by criminals but if they are deprived of these rights, you, too, lose them."

The question before the Senate, then, is not just what rights criminals should have. It is what rights all members of a free society want for themselves.

One opponent of the confession and court review proposals, Sen. Joseph D. Tydings, D-Md., charged that the damage that could be done to our constitutional system if Congress approves these sections "is literally staggering."

Instead of helping in the war on crime, Tydings said in a Senate statement, approval of the anti-Supreme Court proposals in the crime bill would lead to "chaos" in law enforcement.

[From the Boston (Mass.) Christian Science Monitor, May 4, 1968]

CONFESSION REVIEWS: CRIME BILL PINPOINTS CHALLENGE TO COURT

WASHINGTON.—After 36 hours of continuous interrogations by police "relays" accompanied by systematic beatings, the Negro defendants in a famous case in Mississippi confessed and were sentenced to death. The Mississippi court ruled that the confessions had been given "voluntarily."

The Supreme Court of the United States, in 1936 in a historic decision by Chief Justice Charles Evans Hughes (Brown v. Mississippi), overruled the decision.

The right of the Supreme Court to review the voluntariness of confessions accepted by state courts would be revoked by one of the sections of the omnibus crime control bill now under debate in the Senate.

"At one stroke this proposal would destroy one of America's firmest bulwarks against barbarous forms of law enforcement," declared Louis H. Pollack, professor at Yale University Law School.

GUN PROVISIONS ATTACKED

But Sen. John L. McClellan (D) of Arkansas, floor manager of the bill, says this and accompanying provisions are necessary to combat crime. In a 284-page report he declares that "our citizens are fearful, terrorized and outraged," and they "demand and deserve relief from this scourge of lawlessness which today imperils our internal security."

The bill also contains mild provisions to control sale of firearms. These are under blistering attack by the sportsmen's and firearms lobby.

Senator McClellan and other conservatives are making what amounts to a direct attack on the Supreme Court for "coddling" criminals.

It is a new instance of the classic clash between the rights of society (as seen by Mr. McClellan) and the rights of the individual (as seen by the Supreme Court).

Mr. McClellan says self-confessed rapists and murderers are allowed to go free. He cites hideous examples.

The Supreme Court has demanded how such confessions were obtained and whether a defendant's constitutional rights were protected in the process. Its defenders cite hideous examples, too.

The Supreme Court has led a drive in recent years to try to impose stricter safeguards over the operation of state judicial processes brought in question particularly in the South and particularly for Negro defendants.

LAW DEANS COMMENT

Shock and astonishment over the bill is expressed by professors and deans of law schools polled by Sen. Joseph D. Tydings (D) of Maryland, an opponent of this provision (Title II). In a batch of replies, 150 legal scholars, including 13 law school deans from 28 law schools, unanimously oppose Title II. Many doubt constitutionality.

"It would virtually abolish habeas corpus for persons convicted in state courts," says David P. Currie of the University of Chicago Law School.

"I regard Title II as fully as ominous an assault on the Supreme Court as the court-packing proposal of the 1930's; in some respects more insidious," says Dean Francis A. Allen of the University of Michigan Law School.

"We will live in a nation that will have become more like the totalitarian governments of the fascist and Communist world," says Dean Harold C. Warner of the University of Tennessee College of Law, in a letter signed by eight other law professors.

These arguments do not convince Senator McClellan.

"We will never have safe streets," he told the Senate, "until we put the criminals in the penitentiaries where they belong."

REVERSAL URGED

It is necessary to reverse recent Supreme Court decisions, Mr. McClellan says, because the court has "lost judicial balance and is subjugating the rights and safety of society to privileged exploitations and atrocities by the criminal."

In Miranda v. Arizona the Supreme Court required that police warn the suspect that he has a right to remain silent and the right to the presence of an attorney.

In United States v. Wade the court held the suspect has a constitutional right to counsel during pretrial confrontations.

These and similar decisions would be undercut or removed by the pending measure.

CALIFORNIA SUPREME COURT JUSTICE DEMONSTRATES THAT MIRANDA DECISION DOES NOT HAMPER LAW ENFORCEMENT

Mr. TYDINGS. Mr. President, I have recently received a most interesting letter from the Honorable Stanley Mosk, an associate justice of the Supreme Court of California, setting out in detail statistics which indicate that the Miranda decision and other court decisions protecting the rights of individuals have not hampered effective law enforcement. Critics of the Supreme Court have constantly asserted that in past years, as court decisions strengthen the constitutional protections of the individual, law enforcement has been adversely affected. But the statistics cited by Justice Mosk from the State of California—which has an enlightened and progressive court system, and whose supreme court adopted a ruling identical to that set out in the Miranda case well before that decision in the U.S. Supreme Court—indicate that law enforcement has not been harmed.

I ask unanimous consent that the letter from Justice Mosk appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF CALIFORNIA,
San Francisco, Calif., May 9, 1968.

Hon. JOSEPH TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I wish you well in your efforts to prevent legislative emasculation of Supreme Court decisions which have been based on constitutional guarantees.

You may find useful some California statistics which I have compiled to demonstrate that there is no significant relationship between crime figures and court decisions.

First of all, it must be borne in mind that crime statistics are based on the number of arrests. This may mean more crime, but it also means more effective law enforcement and more accurate crime reporting. The effect of court decisions on crime and criminals is determined by the results *after* arrest. The test is not how many arrests are made, but whether defendants charged with serious crimes are now being turned loose. An analysis of this subject reveals there has been no effect whatever upon criminal convictions by recent landmark decisions.

At the end of World War II, the year 1947, there were 10,209 persons convicted of felonies in the 58 counties of California. By 1950, the number was up to 12,375. From that year until this, there has been an increase in the total number of criminal convictions in California, despite all the controversial court decisions that are supposed to be handcuffing our police. In 1955, there were 15,236 convictions; 1960, 24,816; 1965, 30,840; and in 1966, the last year for which we have complete figures, a new high was reached: 32,000 convictions of felonies.

One might suggest this increase was due to California's phenomenal population growth. Yet, we can take the percentage of persons charged with felonies who were actually convicted. In 1947, 80.5 percent of those accused and tried of felonies were convicted. In 1950, the figure was about the same, 80.6 percent. But then, instead of dropping as a result of landmark court decisions, the percentage of convictions has generally gone up. In 1955, the percentage of convictions was 85.4; in 1960, a new high was reached: 87.4. For each succeeding year, the figure has fluctuated between 85 to 87 percent.

When *Escobedo* and *Miranda* were announced, many law enforcement people, news commentators, editorial writers and assorted politicians feared that no longer would suspects confess or plead guilty. Here again, figures disprove the apprehensions. In 1947, 8,190 criminal defendants pleaded guilty. In 1950, the number was up to 9,914; in 1955, the figure was up again: 11,930. By 1960, the number increased to 18,619 defendants who pleaded guilty. And 1966, our last complete record, shows the highest number in our

state's history, 23,089 defendants pleaded guilty.

From 1947 to 1966, percentagewise, between 61 and 69 percent of all persons charged with felonies pleaded guilty, regardless of prevailing protective court decisions.

What do all these figures indicate? They show that from 1947 to 1966, the number of convictions of defendants in California rose from 10,000 to 32,000—more than tripled. While our population has risen, it has never reached that astronomical rate. The rise in criminal convictions disproves critics' complaints that court decisions have been a handicap to the administration of criminal justice. Quite the contrary, the figures establish that firm and severe justice is being dispensed in California today.

Thus, on the whole, a dispassionate study should convince anyone that our courts are more effective, deterring crime more vigorously, and convicting more guilty defendants than ever before in our history. It is comforting to know that this is being done while our Supreme Courts in Washington and in California remain alert to the guarantees of the Bill of Rights bequeathed to us by our Founding Fathers. It will be a sorry day for America if the expediency of crime control is able to affect our American judicial process and persuade our courts to be any less concerned over individual constitutional rights.

Sincerely yours,

STANLEY MOSK.

TITLE III AND "JUICE" RACKET

Mr. PERCY. Mr. President, next week the Senate will, in all probability, consider title III and the several amendments that are pending thereto. As a cosponsor of the original bill upon which title III is based, I intend to support that title of the bil as written, and I am very hopeful that the Senate will approve those provisions of the title which will allow official electronic surveillance of organized crime activities, under court supervision.

The necessity for a concerted law-enforcement effort to rid the Nation of the terror and corrosive effects on our society of the mob has never been greater. As a Senator who represents an area which is a major stronghold of the Mafia, I am still shocked and saddened when I read and am exposed to accounts of syndicate activities that prey on the poor and disadvantaged, and threaten the freedoms and security of many of our citizens. The testimony received in the Select Committee on Small Business this morning represents a frightening—and tragic—account of the operations and effects of one of the Mafia's most insidious rackets: the loansharking or "juice" racket.

In hearings presided over by our able colleague, the junior Senator from Florida [Mr. SMATHERS], the committee heard testimony from three Chicago witnesses on the juice rackets in Chicago. Mr. Charles Siragusa, the executive director of the Illinois Crime Investigating Commission, was accompanied by his chief investigator, Mr. Robert Walker, and a third witness who could only be identified to the committee as "Mary Smith" because of the danger to her occasioned by her testimony against the mob. Her husband murdered by the underworld, she lives in constant fear she will be recognized by them, and further terrorized.

Mr. President, let me say that it is a tragic situation when a citizen of our country must live in constant fear and shun public places out of fear of retribution for simply doing one's duty as a citizen. The contrast between this forthright, courageous, though anonymous witness and the arrogant defiance of the committee by one "Fifi" Buccieri, one of our Chicago mobsters, presented in the sharpest terms the dimensions of the problem we as a nation face in confronting organized crime.

Messrs. Siragusa and Walker are men of vast experience in dealing with organized crime. We in Illinois are fortunate to have them on the job there. They presented a striking testimony to the committee which has compelling relevance to the debate we will shortly have on title III, and I ask unanimous consent that their statements prepared for the committee be inserted in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

IMPACT OF ORGANIZED CRIME ON SMALL BUSINESS—LOAN SHARK ACTIVITIES

(Remarks of Charles Siragusa, Executive Director Illinois Crime Investigating Commission, on May 16, 1968, before the U.S. Senate Select Committee on Small Business)

I am indebted to Senator Charles H. Percy for his gracious introduction.

Mr. Chairman and distinguished members of your Committee. On behalf of the Illinois Crime Investigating Commission, we compliment you highly for conducting the first nationwide expose of the degrading, highly profitable, and economically debilitating criminal usury racket. I am so concerned that I am now in the process of writing a comprehensive, non-fiction book on the subject.

I am honored you invited me to participate in your public hearings.

The Illinois Crime Investigating Commission Act was adopted by the 1963 General Assembly. We became operational in December of that year when I was appointed its Executive Director.

Our bi-partisan Commission is composed of 4 State Senators and 4 State Representatives appointed by the majority and minority leaders of both houses. The Governor appointed 4 Public Members.

We have 2 Co-Chairmen, one from each party.

As Executive Director I have the responsibility of the day-to-day supervision of 15 investigators, 1 Legal Counsel and 1 Auditor.

Our Act specifically recognized the influence of Organized Crime in the frequent subversion of governmental, political and economic institutions within the State of Illinois.

The Act clearly defined our mandates. (1) To investigate organized crime and establish the facts and general background relating thereto, (2) to investigate individual crimes having any bearing on Organized Crime, (3) to investigate the connection of organized crime and politics and (4) the connection with legitimate business.

In that context it is our obligation to protect the public safety, public peace, public health, public morals, public welfare or public justice of the State of Illinois through the statewide investigation of organized crime.

I shall address my remarks to the thrust of your public hearings, namely the operations of Organized Crime in the loan sharking area and the impact on Small Business.

During my 4 and ⅓ years with the Illinois Crime Investigating Commission and about 24 years with the Federal Bureau of Narcotics much has been said about the criminal syndicate's involvement in legitimate business. This has been usually characterized as penetration or infiltration. In recent years the term of domination becomes more appropriate.

There has been little evidence of gangster involvement in large commercial and industrial complexes. But there has been monumental documentation of the Mob's huge participation in what would constitute your definition of Small Business.

In Illinois we don't use the label of loan sharking or shylocking for the despicable practice of loaning money at usurious rates of interest. In the East the term of "Vigorish" is applied to the 10 to 25% weekly interest rate.

Instead, we cloak these practices under the more appropriate title of "JUICE". It is a juice loan. Juice is also applied to the weekly payments which are in excess of 500% annually.

A witness testified before us that the word is synonymous with squeeze. The juice customer is squeezed of his blood, morale and soul. The pressure of meeting 500% annual interest rates and fleeing inexorable physical reprisals, when he can't pay, are often unbearable.

As you know the term "Shylock" derives from the character of the same name in William Shakespeare's "Merchant of Venice". Over the years the name was applied to any one engaged in the usurious money lending business in the American underworld. The word "Shylock" was unintentionally slurred by gutteral, illiterate hoodlums. The word came out as "Shark".

Juice gangsters in the Chicago area epitomize the words of Shakespeare's Shylock. In addressing Bassanio who was seeking a loan, he said ". . . if you repay me not on such a day, in such a place, such sum or sums as are expressed in the condition, let the forfeit be nominated for an equal pound of flesh, to be cut off and taken in what part of your body pleaseth me".

The late William "Action" Jackson, a petty Chicago muscleman, failed to meet his weekly juice payments. He was strung up alive, on a meat hook, while the juice men cut off a piece of his buttocks, stabbed him with ice picks, and burned him with an acetylene torch. He died from shock.

How do these activities affect small business? The National Crime Commission assessed the economic impact of gambling at $7 billion dollars annually. Ranked next were narcotics and loan sharking at an annual economic impact of $350 million dollars each.

Juice gangsters also squeeze the financial community. Small businesses are denied their rightful share of this economy. Banks, savings and loan companies, finance companies, acceptance companies, factors lose their normal share of the legal loan business to organized crime loan sharks.

Licensed financial institutions and otherwise legally constituted lending and credit companies, many of them within the framework of Small Business, are squeezed out of their lawful rates of interest when individuals and small business, in need of financial assistance, go to the juice gangster.

Small business engaged in the sale of consumer goods and services are denied income juice victims must pay in the form of high rates of interest.

The Illinois Crime Commission continues its investigation of the juice racket, started in 1965.

In 1966 we solved two armed robberies and successfully prosecuted several defendants. They needed the money to pay off their juice debts. We also arrested and convicted top juice gangster operators Willie Messino, George Bravos and their cohorts Joseph Lombardi and Sam Mercuiro on charges of aggravated kidnapping, battery and conspiracy committed before the criminal usuary law was enacted.

My Chief Investigator, Mr. Robert J. Walker will testify before you today con-

cerning Mession, et al., the horrible anatomy of a juice gang.

We held our first juice racket public hearings from January 14 through 16, 1966. We exposed, for the first time in Illinois, the nature and scope of this venal organized criminal activity.

Twelve juice victims testified in detail as did two of our undercover agents. Thirteen suspected juice gangsters were subpoenaed but took the Fifth Amendment to a total of 1,026 questions.

We questioned these hostile witnesses concerning 16 gangland murders, crimes of arson, armed robbery, assault and battery, intimidation, kidnapping, torture, B-girls, vice, gambling, hijacking, counterfeit stock schemes, narcotics, embezzlement, income tax evasion and fraud, and a host of other organized criminal activities.

We discovered that many of the juice gangsters were engaged in a wide range of legitimate businesses, including, but not limited to, restaurants, restaurant supplies and services, trucking, juke box, vending machines, furniture distribution, household appliances, and others.

Some of the gangsters operated sales acceptance and factoring companies as covers for their juice operations.

Another 12 gangsters refused to comply with our subpoenas, contesting their validity and the validity of the Commission itself. They were Fiore "Fifi" Buccieri, his brother Frank Buccieri, Joseph Grieco, Joseph "Gags" Gagliano, two former Chicago Police officers Richard Cardi and Albert Sarno, Dominick Carzoli, Patsy Ricciardi, Pete Ori, Tony Spilotro, Lenny Patrick and Arthur "Boodie" Cowan.

We filed petitions with the Cook County Circuit Court in Chicago. The mobsters were to appear before our Commission. The court orders were appealed unsuccessfully to the Illinois Supreme Court. The U.S. Supreme Court refused to grant certiorari. In the interim Arthur "Boodie" Cowan was murdered in gangland fashion.

Eight of the 11 respondents finally appeared before our next public hearings on February 24, 1968, more than two years later. They too invoked the Fifth Amendment a total of several hundred times.

Albert Sarno, Chris Cardi and Patsy Ricciardi were the subjects of a court petition to grant them immunity from self-incrimination. We expect to file written arguments on or before April 22, 1968.

Three of the original 11 respondents, Fiore 'Fifi" Buccieri, Joseph "Gags" Gagliano and Joseph Grieco, appeared before us on March 23, 1968, at our next public hearings. They too pleaded self-incrimination.

A very courageous widow, Dorothy Franchina, testified that Joseph Grieco gave her husband a $300 loan. He was a full time employee of a local Chicago newspaper. Doctor and hospital bills depleted all his earnings. H^ was compelled to go to juice gangster Grieco for a $500 loan.

Tony Franchina experienced frequent trouble in meeting the weekly 10% juice interest payments. One night he was dropped at his wife's doorstep badly beaten and bloody.

In May, 1964 Grieco and two of his henchmen tried to kidnap Mrs. Franchina's 5 year old kindergarten son, Michael. His father was again overdue on his payments. Mrs. Franchina frantically begged $30 from her grocery store boss when a telephone call said she may never see her son again.

Another time she was told they would get her enough male customers so she could earn $100 a day and thereby meet her husband's payments. Unfortunately, there is a 3 years statute of limitation on kidnapping.

Mr. Franchina had paid about $1,000 in interest without ever reducing the principal before he finally took his life with a bullet to the chest.

At our March 23, 1968 hearings evidence was adduced from 5 uneducated negro employees of a glue factory, who made juice loans from a nearby clothing store owned by one Marvin Browning, an associate of Chicago area gangsters Charles and Sam English. They paid 20% interest a week and signed blank wage assignments.

The assignments were served upon the negros' employer. Each week 15% of their salaries was withdrawn and paid to the clothing store. One of the employees had been the subject of wage assignments for the past 19 years, coinciding with the full length of his employment. The period of the other continuing juice loans ranged upward from 10 years.

We intend to prosecute Browning, his brother-in-law Guido Smania and the latter's brother Emil Smania, in state court, on charges of criminal usury, consumer fraud, and illegal operation of a tavern.

We established that before World War Two, the juice racket was relatively insignificant in Illinois. Previously only the so-called disreputable thugs would stoop to shylocking. It was considered to be undignified and penny-ante.

Our experience indicated that during the post World War Two period organized crime discovered the tremendous profits to be made from loan sharking. Organized crime now considered this activity as most respectable.

Today gangland leaders finance juice operators, loaning them $50,000 and upwards at an interest rate of 1 to 5%. They usually want their principal returned plus this rate of interest within a few weeks. The financeers work on volume and fast turnover.

These loans usually supplement the large bankrolls already in the possession of the juice operators.

We investigated one juice gang, composed of just 5 men, that in one year, with an initial investment of about $200,000, managed to grant loans in excess of $350,000 to a total of about 150 persons.

At the end of the year the gang earned almost that amount in weekly interest payments and return of principal. And it still had about $200,000 due it in unreturned principals.

The structure of this one juice faction and its modus operandi are typical of the many others in the greater Chicago area.

Gangs have three sections, one distributes loans, another collects the weekly juice payments and the last are the musclemen and enforcers who threaten, intimidate, maim and ultimately murder those marked as total dead beats.

The customers are from every walk of life, legitimate and otherwise. One common denominator is the urgent need for money with false hopes of speedy repayment.

Compulsive gamblers accumulated too many losses from their bookmakers. The latter sold the debts to juice men much as a businessman would sell promissory notes or discount their accounts receivables.

The stick-up man, the burglar, the hijacker, for example, need money for legal and bail bond fees. Or in between "scores" he needs money to tide him over. Again he goes to the juice man.

Or the bookmaker holds out on his collections and fears certain retribution for his sins. He knows where he can find a juice man and runs to him.

Underworld sources represent a secondary fountain of revenue. Those without criminal records, the average man of middle or low income and the small businessman, account for the bulk of the juice man's fortune. Following are a few actual case histories.

The uninsured motorist was involved in a traffic accident and had to furnish a financial responsibility bond.

The unskilled worker was behind on his automobile installment loan and had to avert repossession.

The unemployed stevedore suffered family sickness with large unpaid hospital and doctor bills.

The automobile salesman lived much beyond his means. He owed more money to credit and finance companies than his salary could sustain. Somehow, someway they all expected some miracle to solve their financial dilemmas.

The salesman or even a management officer found it expensive to maintain a wife and family, and a mistress. He hoped to hide his financial woes from his wife. He too was ripe for the juice man.

The small business man wanted to take a flyer on the expansion of his plant. Another needed earnest money to bind a deal. Another was compelled to pay advance commissions of $150,000 to a mob mortgage finder who never did deliver on his part of the contract.

The juice racketeers do not advertise for business. Bartenders overhear the groans and laments of the worker across the street from a large factory or office building. The bartenders refer the prospective customers to the man at the other end of the bar who knows a man who knows a man. Manytimes it is the first man who is the direct representative of the juice gangster.

We determined another recruitment method. One fellow building contractor discussed his money problems with a colleague in the same industry. The latter referred him to a savings and loan institution. The loan officer broke the sad news that the applicant lacked adequate collateral or his financial statement was too scrawny.

However, the loan officer said, "I know an individual who may loan you the $20,000". Five figure loans are called "classic" loans in the jargon of the juice gangsters.

There are two methods of granting a loan and repayment of it. The borrower pays 10% weekly interest. The principal can be paid back whenever convenient. Or loans must be amortized, at the rate of 10 to 20% a week interest, within a previously stipulated period, usually only several months. If, however, the principal is paid off before the expiration of the period, the juice customer is still obliged to pay the interest which would have accrued for that period.

As yet there is no threat, there is no violence. Should a borrower not be in a position to repay the principal, but only the weekly juice, this is entirely satisfactory and preferable.

We know of innumerable instances where an aggregate $1,000 in interest was paid over a long period on a loan of $100. And the $100 principal was still outstanding.

When the day arrives the juice customer can not pay, his peace is rudely interrupted. The collector reminds him that the boss has a hot temper, wants the money on time, or else.

One man ran around frantically to his close friends and relatives. He succeeded in meeting the next payment and pay the arrearage. The next week he could not come up with the juice. He didn't answer his phone at home. Calls to his office or plant were avoided.

He was soon cornered on the street. Another time he received a visit at home from two plug uglies he never saw before. Fist blows fractured his jaw, and broke his ribs. Another delinquent received a few taps on his shin bone with a junior league baseball bat. His wife and children were terrorized. Baseball bats and short pieces of iron pipe have become tools of the trade for the juice enforcers.

As additional punishment delinquent accounts are given arbitrary, flat assessments. Or the interest rate is raised to 15% a week. Or the principal is doubled with the interest payments also doubled.

The human collateral also comes in for the muscle treatment. He is the man who introduced the juice customer. As such, he

is the collateral for an invisible paper promissory note. By organized crime's ethical criteria and policy, he is held equally and fully responsible.

The co-signer adds to the pressure already exterted on the juice customer. If his entreaties don't culminate successfully, he, the co-signer must make good for the debt or suffer the same beating. So he either begs the borrower to pay or himself assaults the borrower.

When neither the borrower nor the co-singer find it possible to pay up, the co-signer sometimes winds up as the compulsory finger-man. The juice victim is taken for a ride, riddled with bullets, and thrown in the trunk of his own car. The juice gangsters arrange for the car to be parked so that the police find it.

Discovery of the murder is a warning to other delinquent juice customers. They get the message with stark emphasis. The news headlines don't cost these gangster animals at dime of advertising space.

Occasionally the juice customer borrows money from mobster A to pay mobster B. The customer has broken the unwritten code. A juice mob will never cut in on another's territory. The juice customer gets knocked around just enough to teach him a lesson when he purposely causes one juice faction to unwittingly violate this unwritten edict.

In Illinois, as elsewhere, ordinary usury laws are too broad to permit successful criminal prosecution. Consequently, we adopted a new law in 1965. It prohibits an annual rate of interest in excess of 20% annually. It generally forbids anyone to engage in commercial lending without being duly licensed by the State. Violation of this law is liable to a penitentiary term of maximum 5 years.

In 1967 we attempted unsuccessfully to amend the law to include provisions making possession of loan sharking records illegal per se, and to compel licensing and control of acceptance and factoring companies. We also failed to have the criminal usury law also cover indebtedness. For example, our State law does not yet consider a gambling debt as being a loan. Consequently, a gambling debt converted into a juice debt, is not legally a violation of our criminal usury statute.

We were also unable to secure passage of still another amendment making it unlawful for even a licensed lending institution to charge more than 20% annual interest rate.

We also proposed that some business loans, now exempt from licensing, be compelled to charge no more than 20% annually.

RECOMMENDATIONS

I would recommend the following for your consideration:

(1) Draft a model, uniform criminal usury law for distribution to the Governor, legislative bodies, and Attorney General of every State.

(2) Include in the model law the substance of the existing Illinois criminal usury law, a copy of which I will give you. A copy of the New York State Law would also be very helpful.

(3) Include the amendments we attempted to pass in the 1967 General Assembly. I also brought them with me.

(4) Study the advisability of provisions making violators, upon conviction, liable for treble damages based on amounts of money paid in excess of 20% annually.

(5) Passage of a federal law to provide financial assistance to state authorities, upon approval and certification by the United States Attorney for the appropriate federal, judicial district, in relation to state prosecutions for violation of criminal usury laws. Such financial assistance should be limited to subsistence, housing and transportation for complainants and their dependents, whenever such assistance is essential for a successful court prosecution and state authorities lack sufficient financing.

(6) Passage of a federal law making criminal usury a felony when a person or persons have travelled across state borders in furtherance of this activity. Perhaps an amendment could be made to the Interstate Travel in Aid of Racketeering statute.

I would add parenthetically that this would not be in lieu of responsibilities of state governments to enforce their own criminal usury laws, but rather supplemental thereto.

(7) Amend the Small Business Act to provide that recipients of S. B. Administration loans engaged in any phase of money lending activities, can not charge more than 20% interest annually, under penalty of imprisonment. Loan applications could include this requirement.

(8) Another amendment could be that any person, group or company convicted of criminal usury in state or federal court be ineligible to apply for or receive a loan from the Small Business Administration for the next 10 years.

(9) Local offices of the Small Business Administration should be encouraged to screen questionable loan applicants with federal and state law enforcement agencies.

(10) Section 8 of the Small Business Act provides for the dissemination of information concerning the managing, financing, and operation of small business enterprises. Perhaps it can be amended to include dissemination of information concerning criminal usury activities to encourage small business to apply for loans from the Small Business Administration rather than go to the juice racketeers.

(11) Section 7 of the Small Business Act provides for research grants. You may wish to amend this section to authorize such grants for studies of existing state, usury laws.

In conclusion, juice or criminal usury racketeers seriously encroach upon small business men engaged in the legitimate field of money lending. Loan sharks deprive legitimate business of millions of dollars of income. Loan sharking is on the incline, with the accompanying threat of robbing more millions from more small business men.

The urgency to suppress the juice loan racket conforms with the policy of Congress, as expressed in Section 1 of the Small Business Act which states in part: ". . . the preservation and expansion of competition within free enterprise is basic not only to the economic well-being but to the security of this nation . . ." Thank you.

IMPACT OF ORGANIZED CRIME ON SMALL BUSINESS LOAN SHARK ACTIVITIES

(Remarks of Robert J. Walker, Chief Investigator Illinois Crime Investigating Commission, on May 16, 1968, before the U.S. Senate Select Committee on Small Business)

Mr. Chairman and Mr. Senators. My name is Robert J. Walker, I am the Chief Investigator of the Illinois Crime Investigating Commission. I have been employed by our Commission since May 26, 1964. Before that I was with the Chicago Police Department for 8 years.

Mr. Siragusa has given you details of criminal usury or "juice" racket operation in the Chicago area. I will attempt to furnish you a summary of our investigation of one specific juice mob faction.

The case started on July 29, 1965 when juice victims George Chiagouris and his two brothers Jack and Al came to our office. The case ended on August 17, 1965 when we arrested gangsters George Bravos, aged 57, residing at 715 North Pulaski Road, Chicago; Sam Mercurio, aged 47, residing at 3257 North Nottingham, Chicago, and Joseph Lombardi, aged 32, 221 South 30th Garden Apartments, Bellwood, Illinois.

The principal defendant Willie Messino alias Wee Willie alias Willie The Beast, aged 51, of 2037-77th Avenue, Elmwood Park, Illinois, escaped but he surrendered a few days later.

Messino, Bravos and Lombardi were convicted in Cook County Circuit Court, Chicago on charges of aggravated kidnapping, aggravated battery and conspiracy. Mercurio was convicted on conspiracy charges. The trial started on December 19, 1966 and ended January 21, 1967. The jury was out 8½ hours.

Defendant Messino received a sentence of 10 to 30 years; Bravos received 5 to 20 years; Lombardi 7 to 20 years, on April 25, 1967. Mercurio was sentenced on June 8, 1967 and received 5 years probation, the first 30 days to be served in the County jail. All the convictions were appealed.

I will explain briefly why these defendants were not prosecuted on the fundamental usury violation. The witness-victims borrowed a total of $165,000 during the period from June 23, 1964 until July 1965. They paid $163,000 mostly in interest and still owed $124,000. Since the events antedated the passage of Illinois' criminal usury law in 1965 we prosecuted the defendants for kidnapping, battery and conspiracy. In effect, justice was done because penalties for these crimes exceeded the 20 years maximum prison term provided for in the criminal usury statute.

Nevertheless, the news media in Chicago characterized this as the first successful "juice" case prosecution in Illinois.

Juice victims George, Jack and Al Chiagouris were successful small businessmen. They owned a thriving construction company engaged in modest priced private dwelling housing developments.

They had an opportunity to purchase a Chicago loop hotel at a significant bargain price.

Their outstanding loans with licensed banking institutions did not permit an additional loan from them. The lure of a bargain lead them through a long path of violence and severe, mental anguish.

They discussed their financial dilemma with Sandor Caravello, a colleague in the construction business. The Chiagouris brothers were told they could obtain the necessary $50,000 earnest money but the interest rate would be higher than usual. The Chiagouris brothers hesitated, but only briefly.

The brothers were subsequently introduced to Sam Mercurio, a director of the Service Savings & Loan Association, at 7666 West 63rd Street, Summit, a Chicago suburb. Mercurio advised them his association could not extend the loan but he knew friends who could.

On June 23, 1964 the brothers arrived at Caravello's carpeted, wood panelled office. Seated behind the desk was Willie Messino. Also present was George Bravos. "We need $50,000" Albert Chiagouris said.

Messino explained that the interest would be 40%, a total of $70,000 to be paid back in 47 weeks. The payments would be $1,500 a week for 46 weeks and $1,000 on the 47th week.

Two days later the brothers returned. Messino counted out $50,000 in cash. At Messino's directions Jack Chiagouris typed out 10 judgment notes, nine for $7,500 each and one for $2,500, a total of $70,000.

All 3 Chiagouris brothers signed the notes, Messino retained the originals and the brothers kept the carbon copies. Bravos added that the final security on the loan would be the brothers' eyeballs.

At that point Messino introduced Joseph Lombardi as the weekly collector of $1,500. They were instructed to put the cash in an envelope, mark the number 24 on the envelope and leave it for Lombardi at Caravello's office.

After Messino and Lombardi left, Caravello implored the Chiagouris brothers for a $15,000 loan from the $50,000 they had just

received. He was to repay it in a week, but he never did.

The brothers made 3 weekly juice payments of $1,500 each, but their financial plans were snagged. They had expected to liquidate some of their holdings to obtain an additional $100,000 necessary to seal the option on the hotel purchase, and to realize enough cash to cancel their $50,000 loan from Messino and Bravos. However, the liquidation did not materialize.

The Chiagouris brothers returned to Messino and Bravos and succeeded in obtaining a second loan, this time it was $100,000 in cash currency. The terms were repayment of $10,000 at the end of the 35 days, another $10,000 35 days later, and $110,000 on the 105th day. The loan of $100,000 was secured with a $130,000 promissory note.

When Messino and Bravos departed the brothers were opportuned by Caravello for another $25,000. They never saw that money again or the original $15,000 they had loaned to Caravello.

The Chiagouris brothers continued making their $1,500 weekly payments but could not meet their $10,000 payment on the $100,000 loan. A parking lot rendezvous was arranged to explain their predicament, Jack Chiagouris was behind the wheel of his auto. The window was open on his side. Without warning Messino shot his fist at Jack's jaw.

Messino threatened that unless the large payment was made soon, he would impose a tax of $1,000 a day for every day the brothers were late.

Two days later the Chiagouris brothers made their weekly $1,500 payment on the first loan, and paid $10,000 on the second loan. They also paid the tax of $2,000 for the two days they were late; a total of $13,500.

Keeping up with the payments on the two loans from Messino and Bravos became so burdensome the Chiagouris brothers asked Mercurio for help in getting Caravello to repay them all or part of the $40,000 due them. Instead Mercurio repeated the confidence to Messino and Bravos.

The time arrived for the $110,000 payment. In the Flying Carpet Motel cocktail lounge at 6465 North Mannheim Road, the gangsters threatened to put a bullet in the head of each of the 3 brothers.

Bravos stipulated new terms. Thereafter they would pay $10,000 every month until such time as they could make a one lump payment of $100,000. Bravos said this would continue if the victims had to make monthly payments the rest of their lives.

Also present in the cocktail lounge was Caravello. He was punched about the face, kicked in the shins and threatened with murder for "breaking the rules." Caravello had, after all, taken $40,000 of their money from the Chiagouris's. His life was spared.

Thereafter the brothers paid $10,000 a month on the so-called re-financing of the second loan. They were also still paying the $1,500 weekly on the first loan.

In March 1965, however, they could only pay $8,000 of their $10,000 obligation. Messino and Bravos threatened to choke them until their tongues hung out. The terrified men were also given another arbitrary tax of $2,000 on top of the $2,000 balance for that month.

The brothers made their regular monthly and weekly payments on the 2 loans, plus the above assessment, until May 1965. Lombardi collected the payments from them at the Bonfire Restaurant, 7900 West Grand Avenue, Elmwood Park, Illinois.

Once again the brothers could not come up with the money. As instructed, George and Jack Chiagouris reported to the picnic area of the Bonfire Restaurant. Albert Chiagouris was afraid to keep the appointment.

Messino and Bravos were furious. Messino punched Jack, fracturing his jaw. He also walloped George in the face, kicked him in the ribs and kneed him in the groin. They were both worked over thoroughly until they agreed to locate Albert.

Bravos said he would hold them as personal security until Albert showed up. At the court trial two years later George Chiagouris testified ". . . In the meantime Mercurio had arrived. A tooth was out of my mouth, my lip was all swollen, the side of my face was swollen, there was still some bleeding, I couldn't stand erect, I couldn't breathe too readily . . . the whole left side of Jack's face was swollen, he was holding his hand to his face . . . he couldn't stand straight . . ." Messino and Lombardi had inflicted all the punishment.

The brothers had a trust account at the Chicago City Bank valued at $140,000. They promised to make an assignment on the trust, to Mercurio, with Messino and Bravos having the real but undisclosed interest.

George and Jack telephoned their homes, leaving word for Albert to be at the bank the first thing next morning. George and Jack were forcibly taken to the home of Messino's mistress where they were held overnight, literally kidnapped and held for ransom.

The morning of May 8, 1965 George and Jack Chiagouris were taken to the Chicago City Bank & Trust Company, 63rd & Halsted, Chicago, where Albert awaited them. There were 22 buildings and some vacant land in their trust. The Reliance Federal Savings and Loan, 2000 West Cermak, Chicago, had mortgages on the houses. The Chicago City Bank & Trust Company, held the first assignments of the beneficial interest in the trust. The Chiagouris brothers' attorney held the second assignment for past, unpaid services. A third assignment was then signed over to Mercurio by each of the brothers.

The juice victims were now released from custody. A few days later new promissory notes were executed, totalling $124,000. The new schedule of payment was $1,500 a week for the original loan of $50,000 on which they had already paid back $70,000. Monthly payments on the $124,000 would be temporarily suspended but they would resume until the entire sum was paid back in installments, or in toto.

The time arrived when the Chiagouris brothers had difficulty in meeting their legitimate mortgage obligations to the Reliance Federal Savings & Loan. In order to protect their third beneficial interest in the Chicago City Bank & Trust, Messino gave the Chiagouris brothers a $15,000 cash loan, payable in 90 days, interest of $900 a month, with a promissory note of $17,400 as security. Messino's greed again blinded his business acumen.

By July 28, 1965 the brothers were at the end of their rope. They were without any money, and were several weeks behind on their payments. They stayed away from their office and their homes, fearing that any moment either Messino or Lombardi or Bravos would find them and do the worst.

This is when they came to our office and poured out the preceding narrative. They furnished us some documentary evidence and other undeveloped leads which we subsequently verified. However, it was Director Siragusa's wish that we obtain additional, direct evidence to strengthen our case further. Consequently we planned and put into operation an appropriate undercover scheme.

We discussed the investigation with Cook County State's Attorney Daniel P. Ward, who is now a Justice of the Illinois Supreme Court, and enlisted his financial assistance.

We made a list of the serial numbers of $1,500. On July 30, 1965 I accompanied George Chiagouris in his automobile to the Red Steer Restaurant at 8800 West Grand Avenue, River Grove, Illinois, where he had to keep his regular appointment with collector Lombardi.

In a few minutes Lombardi arrived in his car, parked, and walked over to us. In my view George gave the $1,500 to Lombardi, stating I was his brother-in-law. Other agents of our office watched from vantage points in the parking lot, and took photographs of the event.

On August 2, 1965 a second meeting was held between George and Jack Chiagouris and Lombardi, at the Red Steer Restaurant. Surveilling agents also took photographs of this incident. At that time George and Jack made another payment of $800.

The Chiagouris brothers tried to delay another meeting with collector Lombardi. Jack and Albert went into hiding. George got himself admitted to a hospital, for a rest. Lombardi left violent telephone messages at Jack's home.

Consequently, George telephoned Lombardi from the hospital to plead for time. Lombardi threatened to "come choke him a little". Therefore, George agreed to bring his brother Al the following day to the La Salle Hotel.

I walked in with George and Jack Chiagouris. Shortly thereafter Lombardi entered with Messino. Messino motioned for the brothers to follow him into the bar. I protested, saying I wanted to be present. Messino told me Lombardi would sit with me in the lobby.

George Bravos now walked by me and went toward the bar. I made conversation with Lombardi in an effort to obtain more corroboration of past events concerning these juice transactions. I told Lombardi that as George's brother-in-law I had given him the money for the last two payments.

I volunteered that I was concerned for George's safety because of the beating he suffered a few months before, like the broken jaw Jack received from him and Messino. Lombardi said it could have been worse than a broken jaw.

I asked Lombardi why it had been necessary to get rough with the Chiagouris brothers. Lombardi replied they had certain methods of collecting debts from delinquent customers. He also admitted "having given Jack and George a couple of slaps".

I asked Lombardi if there wasn't some way to settle all the debts. Lombardi replied that only Messino and Bravos had the power to do that.

Inside the bar Messino heaped foul language and threats of violence on George and Jack Chiagouris because they had continued to duck their payments. George made another payment to Messino giving him $1,500. Bravos, who was seated at the bar, then walked over to the table, to join the conversation. Bravos cautioned the brothers to stop the nonsense hereafter and make their payments on schedule, or else.

Another meeting was arranged for noon August 5th at Stefano's Restaurant, Damen and Chicago Avenues. I accompanied Jack and George. Messino was there. He said he had another appointment and would see us later that afternoon at Morreale's furniture store at 3742 West Chicago Avenue.

We kept the appointment at the furniture store. Messino did not want to talk to me. Instead he took Jack and George into the private office there. They told Messino they had an opportunity to cancel out their debt to him but would like a rebate. Messino magnanimously said he would accept $75,000 to wipe out the outstanding debt of $124,000.

As I left the store with Jack and George, Messino waved goodbye to me.

We later decided to close out the case because we were not in a position to make any payments to the juice gang. Coordinated arrests were made on August 17, 1965. Lombardi was arrested at the Sahara Motel, 3800 North Mannheim Road, Schiller Park, Illinois.

This establishment was formerly owned by Manny Skar, a Chicago hoodlum who was murdered in gangland fashion on September 11, 1965. It was later determined the motel had received a million dollar loan from Mar-

shall Savings & Loan Association, Ogden & Harlem, Riverside, Illinois. That Association was placed in receivership by the State of Illinois.

Bravos was arrested at his A–1 Industrial Uniform Company located at 1217 North Oakley Boulevard, Chicago.

Caravello was found at his Bee-Gee Builders, 5420 North Harlem Avenue, Chicago. He was formerly associated with the Northlake Community Hospital, Northlake, Illinois, when it was named the Dr. Bruni Memorial Hospital. Dr. Bruni was later convicted in federal court on counterfeiting charges.

Messino was seen on the street coming out of the Chicago Linoleum & Tile Company, 3816 West Chicago Avenue, in which Messino was suspected of having secret financial interests. He became suspicious of the surveillance agents and escaped, running down alleys and vaulting back-yard fences. Because of the many motorists and pedestrians in the vicinity I fired only one warning shot, straight up into the air, but to no avail.

Mercurio was arrested at the Service Savings & Loan Association. He had $1,500 in cash in his possession. This Savings & Loan was taken over by the State of Illinois on September 1, 1965 because it was unable to pay dividends to its shareholders. At one time he was also the president of the Michigan-Erie Insurance Company, 645 North Michigan Avenue, Chicago.

Messino surrendered to us on August 23, 1965 saying he did not want to take the chance of us shooting him on sight if we saw him on the streets. He said he heard we had been looking for him armed with shotguns. Messino was correct because we considered him to be extremely dangerous.

Messino has the following criminal record: March 29, 1935, sentenced to 1 year to life, Joliet Penitentiary for armed robbery.

November 25, 1940, paroled from Joliet penitentiary.

April 11, 1946, Investigation in Dallas, Texas.

April 20, 1953, Investigation in Chicago.

March 11, 1958, Conspiracy and Extortion, found not guilty in Chicago.

December 31, 1963, Aggravated kidnapping in connection with another juice case in Chicago. He was found not guilty.

Bravos was first arrested on March 9, 1944 for investigation in Chicago and on August 8, 1959 for disorderly conduct in Arlington Heights, Illinois. He is the intimate associate of gangster Dave Yaras of Chicago and Miami Beach.

Joseph Lombardi was arrested on January 3, 1963 for burglary, but he was released. On December 9, 1963 he was again arrested for burglary, and released.

Sam Mercurio has no prior criminal record.

Our conspiracy case against Sandor Caravello was dismissed. He has the following criminal record:

On January 3, 1934, he was arrested for armed robbery, but was later acquitted. On December 30, 1936, he was arrested on charges of election fraud, found guilty and sentenced to the penitentiary from 1 to 5 years.

He was paroled from the penitentiary on December 23, 1940 and discharged from parole on September 11, 1942.

In my 12 years of law enforcement experience this was probably the roughest and toughest high echelon mob faction I encountered. A twenty four hour guard is still maintained on all three of the Chiagouris brothers, and for good reason.

The court prosecution was handled by Assistant State's Attorneys Patrick A. Tuite, who is now Chief of the Criminal Division, and George P. Lynch who since left the State's Attorney's office to engage in a private law practice. These 2 young men did a masterful job unfolding an intricate web of diabolical criminal usury and in besting 4 middle aged, highly competent and experienced defense counsels.

I would also like to acknowledge the excellent cooperation we received from Mr. John Stamos, who succeeded Judge Ward as Cook County State's Attorney, and his first assistant Mr. Louis Garippo.

Thank you.

PRESIDENTIAL CANDIDATE RICHARD M. NIXON

Mr. CURTIS. Mr. President, a very capable mentor of mine when I first entered politics often said, "You have to run for office when there is an opportunity." The truth of that statement is well known. There seems to be a time in history when the people turn to a particular man for some great task.

Since the New Hampshire primary there have been some very significant developments. I believe that Mr. Nixon's hour has arrived. The people at the grass roots are responding to the clarity and courage of Mr. Nixon's statements. He is offering leadership that means progress for our Nation and a turning away from those things that have so blighted our country in recent months.

Mr. Nixon's win in Indiana was a significant one. It showed strength and it showed that the people are turning to him. Probably one of the most significant primary elections held has received a lesser amount of publicity. I refer to the State of Pennsylvania.

Pennsylvania is an important industrial State. It is an eastern State that lies adjacent to the State of New York. Most of the statewide leadership of the Republican Party of Pennsylvania looked with favor upon the candidacy of the Governor of New York. No names were printed on the ballot. It was a fair race. Observers cannot escape the meaning of the returns, for in that race Mr. Nixon led the Governor of New York by about 3 to 1.

The people of Nebraska spoke through their primary election last Tuesday. Based upon the returns from 2,109 precincts out of a total of 2,133, the results of the Republican primary are as follows:

Nixon	135,325
Reagan	41,831
Stassen	2,626
Liberator	1,281
Rockefeller	10,172

In addition, more than 2,200 Democrats wrote in the name of Richard Nixon on their primary ballot. As the remaining scattered precincts come in and as the mail vote is counted, Mr. Nixon's vote will likewise increase.

Mr. President, the write-in of a name in a Nebraska election is a very simple matter. There are no technicalities concerning spelling or other marks on the ballot that interfere with the proper tabulation of the votes so long as the intent of the voter can be ascertained. In 1952 Senator Robert A. Taft won the Nebraska Republican presidential preference vote on a write-in. There were 79,357 such votes for Mr. Taft. On the same day, 66,078 persons wrote in the name of Dwight Eisenhower. In 1964, the only name on the Nebraska ballot was that of Senator Goldwater, yet Mr. Nixon received a write-in vote of 42,811.

Mr. President, Mr. Nixon's victory in Nebraska, where he received 71 percent of the vote in a contest with four other contenders, shows that he is the people's choice.

Today there was a further development in the Nixon campaign which reveals the trend. This afternoon at 2 o'clock a news conference was held by our brilliant, efficient, and attractive colleague, the distinguished junior Senator from Tennessee [Mr. BAKER]. At that news conference, Senator BAKER withdrew as a favorite son presidential candidate from his native State of Tennessee and declared his support for Mr. Richard Nixon. This is the first withdrawal of a declared favorite son in favor of Mr. Nixon, but it is only the beginning. It appears that the domino theory is about to operate.

Mr. President, I ask unanimous consent that Senator BAKER's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HOWARD H. BAKER, JR., REPUBLICAN, OF TENNESSEE, WASHINGTON, D.C., MAY 16, 1968

I am grateful for the endorsement of all nine Congressional Districts in Tennessee of my favorite son candidacy for the Presidential nomination at the Republican National Convention in August. However, I wish to decline that honor. I will support Richard M. Nixon.

I do so, not because I have known Dick Nixon for many years, which I have; nor because I have great affection for him, although I do; nor because he campaigned for me in my race for the Senate in 1966. Rather, I support him because I am firmly convinced that he is the candidate most keenly tuned to these times, that he will be the best campaigner in 1968, and the best President in 1969.

I have listened carefully to Mr. Nixon's speeches and carefully read his published statements of the last several months. I find in those statements imagination, vitality, compassion and firmness.

I know personally of his strong support for a society of laws which offer justice and equal opportunity to every man in housing, jobs and voting. I applaud his equally strong condemnation of those who would forget that order, as well as justice, is essential to a lawful society. And I thoroughly agree with his rejection of the trends of centralism which pervade Washington today and his insistence that there be a return of power from the bureaucracies in Washington to the people at home.

I believe he will be able to capture the mood of the Nation and point a New Direction for America.

As a result of my decision, the favorite son candidacy, which was never designed as a vehicle for personal gratification or obstructionism, no longer serves a necessary or even useful purpose. I hope to lead a unanimous Tennessee delegation to the Republican National Convention in support of Richard Nixon.

NUCLEAR POWERPLANT TO BE BUILT NEAR PALO, IOWA

Mr. HICKENLOOPER. Mr. President, a few weeks ago, an innovation in electric power production occurred in this country, in my home county of Linn, near Cedar Rapids.

At that time, agreement was reached between the Iowa Electric Light & Power Co. in Cedar Rapids, the Central Iowa Power Cooperative, and the Corn Belt Power Cooperative for the construction of a 550-megawatt nuclear plant.

This is the first combination of investor-owned and cooperative power

structures in this country which will work together for the production of such a plant.

Mr. Duane Arnold, president of the Iowa Light & Power Co. issued a statement on May 10 on this subject, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Duane Arnold, President of the Iowa Electric Light and Power Company, Cedar Rapids, Iowa, issued the following statement on May 10th:

"Officials of Iowa Electric Light and Power Company, Central Iowa Power Cooperative and Corn Belt Power Cooperative today completed signing of a statement of intent whereby the two cooperatively-owned groups will become joint participants with Iowa Electric in the Duane Arnold Energy Center, Nuclear Power Plant to be built near Palo. It will be the first time in the history of the nation's electric power industry that investor-owned utilities and cooperatively-owned suppliers will share ownership of a nuclear plant."

Mr. Arnold, who joined Central Iowa Power Cooperative's Mr. W. E. Adams and Corn Belt Cooperative's Mr. Richard Buckner in the ceremony, stated:

"This is another progressive step toward making modern abundant and lower-cost electric power available to as many Iowans as possible, since it will broaden the sharing of the economies of the new 550-megawatt nuclear plant. From the time of their original concept, cooperative power groups have served primarily rural areas, and their power requirements are generally not large enough to warrant the huge expenditure for nuclear plants of an efficient size. Thus, this move extends to the rural areas the opportunity to take advantage of the economies of electric power produced by a nuclear-fueled plant."

Under the agreed letter of intent, the undivided ownership of the Duane Arnold Energy Center will be Iowa Electric (800/0), Central Iowa Power Cooperative (100/0) and Corn Belt Cooperative (100/0), with each party being responsible for the financing of its respective percentage. Provisions for extending similar participation in ownership of a second 550-megawatt nuclear power generating unit are included.

As the predominant owner, Iowa Electric will be solely responsible for the design, construction, operation and maintenance of the plant. Each party will receive the production benefits and bear an equitable share of the costs and expenses in proportion to percentage of ownership.

Sutherland Dows, Iowa Electric's Chairman, amplified the significance of the event in stating, "While this is a 'first' for Iowa Electric in the nation's new nuclear fuel utility industry, close cooperation and mutual assistance have existed between our three organizations for over 20 years. We three made believers of those who thought investor-owned and cooperatively-owned utilities could not work together in harmony and for the advantage of all their customers and/or stockholders. To us and to the entire utility industry, it shows that, far from being a threat to the cooperatively-owned power suppliers, nuclear generation through such participation plans as ours is to their best advantage."

"Iowa Electric (Cedar Rapids), Central Iowa Power Cooperative (Marion) and Corn Belt Cooperative (Humboldt) serve over 265,000 customers in the same or contiguous areas in 70 counties in Eastern, Central, Northwestern and Southwestern Iowa."

THE TARIFF COMMISSION'S REPORT ON MINK FUR SKINS

Mr. JAVITS. Mr. President, I wish to address myself now to the Tariff Commission's report on mink fur skins.

In view of conflicting points of view with respect to the state of economic health of the domestic mink producers and the effects of imports of mink fur skins on prices of mink fur and proposals to impose an import quota on this commodity, I call attention to the April 8 report of the U.S. Tariff Commission on mink fur skins.

As the Senate will recall, during last session numerous quota bills were introduced in the House and the Senate which would have restricted the importation of mink fur skins on the grounds that a 1966–67 decline in the world price of mink fur skins—and hence a decline in the U.S. domestic price—was occasioned by increasing U.S. imports of these skins. The President requested that a complete investigation should be made by the Tariff Commission. His request stated:

The report of the Commission shall include (but not be limited to) data with respect to U.S. consumption, domestic production, imports, exports, prices, employment, the financial returns to domestic producers, and the effect of imports on the industry.

As I stated earlier, proponents of the import quota legislation blamed imports for the decline in prices. The distinguished Senator from South Dakota, testifying before the Tariff Commission, on December 5, 1967, said:

In my home State of South Dakota, I know of many small ranchers who have been forced out of the mink producer business as a result of the vast numbers of mink skins which are coming into this country duty-free and thereby depressing the market price for the mink fur skins.

The Tariff Commission's report, issued after an exhaustive study of some 7 months duration, has a most interesting summing up in its introduction to the report. It reads as follows:

The United States has long been the world's major producer and consumer of mink furskins, but its relative importance has declined as both consumption and production have increased at a faster rate abroad than in the United States. The nature of the product and the demand for it, together with the method of sale (principally by auction), have facilitated the development of a world market and, therefore, a world price structure.

For many years both U.S. production and imports of mink furskins have trended upward, with imports increasing at a faster rate than output. The United States produced 27 percent of the world output of mink furskins in 1966 and accounted for 45 percent of world consumption. During the period 1963–67, imports supplied 53 percent of domestic consumption.[1]

In 1967 there was a sharp drop in the price of mink furskins from the previous year. No single price figure illustrates the extent of this change inasmuch as furskins differ in quality, size, and fashion appeal. Even so, it is generally agreed that the price decline in the United States between 1966 and 1967 averaged about 25 percent for total sales. In 1961, following a period of relative stability, there had also been a sharp price decline and the price structure stabilized at the lower level. The new stability, moreover, was sufficiently below the previous level that the industry faced a different set of business conditions.

In the light of the 1961 price decline, the concern of U.S. mink ranchers with regard to the 1967 price break was not limited to the difficulties it brought about for current operations. They were also apprehensive as to whether it ushered in a period of permanently lower prices which might be some 40 percent below the prices they received in the mid-1950's.

The following factors contributed to the sharp decline in the average price that mink ranchers received in 1967: (1) a retardation in the economic growth of the United States and the major mink consuming countries in Europe; (2) reports late in 1966 that the world supply of new mink furskins was more than adequate to meet demand; (3) the accumulation of large inventories of mink furskins in the hands of domestic fur dealers and garment manufacturers late in 1966; and (4) the introduction of new fur dressing techniques and decisions by the Federal Trade Commission regarding their use, which caused apprehension in the trade.

These factors may be short-term conditions which could be reversed or significantly modified in the normal course of a growing world economy. Mink, being a luxury product, is particularly susceptible to changes in economic conditions; even small changes in general economic conditions contribute to wide swings in the price and demand for mink.

The market for mink has broadened substantially. More mink than previously is used for trim and in new styles that differ significantly from the traditional. Mink-trimmed garments utilize furskins of lower quality and smaller size. The new styles require fewer furskins and less labor per unit, thus lowering the cost of a mink garment to the consumer. The broadening market is, at the same time, both a result of, and a factor contributing to, lower average prices. In the United States imports have been particularly important in furnishing furskins for this segment of the market.

These changing production, consumption, and price patterns, both in the United States and in the world, are clearly interrelated with the number and size of domestic ranches, imports, profit opportunities, and the like. Discussions of the pertinent developments, along with factual information on tariff treatment, inventories, foreign production and marketing, and technical aspects of the product and its marketing, are presented in the body of this report.

It should be noted that the report states that there were four factors contributing to this price decline in 1967:

First. Economic recession in the United States and Europe;

Second. Oversupply of world mink;

Third. Large inventories, and

Fourth. New dressing techniques which caused conflicting decisions by the Federal Trade Commission, which caused apprehension in the mink fur trade.

The report contains no suggestion that imports brought about the 1966–67 decline in prices which is the major basis for the domestic ranchers' demands for legislative relief from imports. The omission is significant, for it in effect again verifies the conclusion of the Commission in 1959, when it turned down the domestic industry's escape

[1] The Commission's investigation disclosed that previously reported figures on mink production in the United States were overstated. Accordingly, it developed new figures which show that imports are a greater percentage of domestic consumption than previously supposed.

clause petition on the grounds that imports were not the cause of any difficulties the domestic mink ranchers might be encountering. The Commission's statement made at that time bears repeating:

On the basis of this investigation, including the hearing, the Tariff Commission finds that dressed mink skins provided for in paragraph 1519(a) of the Tariff Act of 1930 and undressed mink skins provided for in paragraph 1681 of the Tariff Act of 1930 are not being imported in such increased quantities, either actual or relative to domestic production, as to cause or threaten serious injury to the domestic industry producing like of directly competitive products. Accordingly in the judgment of the Commission no sufficient reason exists for a recommendation to the President under the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended.

Domestic mink growers will have a full opportunity to make the case for quotas at open hearings on trade and tariff problems on June 4, to be held by the Ways and Means Committee.

Because the Tariff Commission's report has such an important bearing on the claim that imports have harmed this U.S. industry, I urge my colleagues to review this report carefully.

URBAN TRANSPORTATION

Mr. JAVITS. Mr. President, on February 26, 1968, the President submitted Reorganization Plan No. 2 of 1968 to the Congress. This reorganization plan, which has now gone into effect, transfers the administration of the urban mass transit program from the Department of Housing and Urban Development to the Department of Transportation.

No resolution of disapproval was filed in this body and, accordingly, no hearings were held on this reorganization. I chose not to file such a resolution, because, on balance, I favored this transfer, as proper administrative procedure. However, the reorganization plan submitted by the President and his accompanying message raised—and failed to answer—several questions about the division of responsibilities between the two departments and the interrelationship of urban mass transit and overall urban development planning.

Accordingly, in an exchange of correspondence with Secretaries Boyd and Weaver, I pose those issues which I believe still unresolved by this transfer of functions. In particular, I believe it crucial that transportation systems be planned, constructed, and designed in relation to overall urban planning and development, and in relation to broader social values. Moreover, the construction of transportation facilities must be utilized as an opportunity to save, rather than destroy, the neighborhoods through which they pass. For these reasons, it is crucial that the Department of Housing and Urban Development preserve an active role in approving those transportation projects which have a relationship to overall urban development.

In addition, it has been repeatedly stated that it is the objective of Federal policies to seek the establishment of unified and balanced transportation systems in our metropolitan areas. Indeed, the President, in the message which accompanied Reorganization Plan No. 2, stated that an objective of an urban transportation system must be to "combine a basic system of efficient, responsive mass transit with all other forms and systems of urban, regional, and intercity transportation." This reorganization holds out the promise of a unified Federal transportation effort which will be able to set priorities within and between varying modes of transportation and to allocate resources accordingly. There are, however, no specific guidelines to effectuate this purpose.

I am concerned about the role to be reserved to the Department of Housing and Urban Development, so that it will be enabled "to assure that urban transportation develops as an integral component of the broader development of growing urban areas," and the steps to be taken by the Department of Transportation to assure the coordination of Federal transportation programs and, within each metropolitan area, integrated and balanced transportation systems.

The response of Secretaries Boyd and Weaver does set out the responsibilities of each Department upon the completion of this transfer. I believe it is important that this information be placed on the public record. Most importantly, this exchange of correspondence indicates that criteria and operational arrangements must be developed in order to make Reorganization Plan No. 2 effective:

We recognize that we have much to do in developing detailed guidelines and operational arrangements necessary to carry out the President's Plan.

The two Departments involved should be given a period of time to establish these guidelines. However, since these criteria and arrangements are, admittedly, necessary to the completion of the reorganization, they should be made public once they have been developed. Moreover, the Congress has a continuing oversight role with regard to the transfer of urban mass transit functions and in insuring that it is fully carried out.

Mr. President, I ask unanimous consent that this exchange of correspondence with the Secretaries of Housing and Urban Development and Transportation be inserted in the RECORD. In addition, I urge the Secretaries of Housing and Urban Development and Transportation to set a deadline for the development of these guidelines and arrangements and to make public and to submit a report of such criteria to the Government Operations Committee of each House of the Congress. In this manner, the Congress would maintain its oversight role and could seek to insure that this reorganization is fully carried out so as to achieve the stated objectives of Federal policy. The criteria, once publicly disclosed, would serve to guide future actions and operations of the Departments of Housing and Urban Development and Transportation in planning and developing urban transportation systems.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

APRIL 17, 1968.

Secretary ALAN S. BOYD,
Department of Transportation,
Washington, D.C.
Secretary ROBERT C. WEAVER,
Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: On February 26, 1968, the President submitted Reorganization Plan No. 2 of 1968 to the Congress. This Reorganization Plan would transfer the administration of the urban mass transit program to the Department of Transportation.

As ranking member of the Senate Government Operations Executive Reorganization Subcommittee, I am particularly concerned about certain aspects of this Plan. I hope to support it, but I believe that its approval should follow not precede clarification as to the precise allocation of functions between the Departments of Transportation and of Housing and Urban Development. This information should be public and available to the Congress so that its decision on this reorganization may be informed.

In his message the President noted that, since ". . . urban research and planning and transportation research and planning are closely related . . . the plan provides that the Department of Housing and Urban Development perform an important role in connection with transportation research and planning insofar as they have significant impact on urban development . . . The Department of Housing and Urban Development will provide leadership in comprehensive planning at the local level that includes transportation planning and related it to broader urban development objectives."

Despite the stated intention of the President, it appears to me that this Reorganization Plan raises serious questions about the powers to be reserved to the Department of Housing and Urban Development. In particular, the Plan does not spell out the basis upon which the Department of Housing and Urban Development will preserve an active role in approving those transportation projects which have a relationship to overall urban development.

There is little question that the Department of Housing and Urban Development should continue to play an important role in urban mass transit planning, for there is a growing recognition that the manner in which cities develop is directly related to their transportation systems. The existence of efficient, low-cost public mass transit is a requirement, not only for proper physical redevelopment, but also for social progress and labor mobility within metropolitan areas. However, there is nothing in this Plan nor in the President's Message which specifically guarantees that these broader interests will be brought to bear on the planning and construction of mass transit lines. No specific guidelines are set forth. Thus, the necessary cooperation between the two Departments involved would seem to depend upon informal relationships and the capacity of the two Secretaries to work together at any given time.

In addition, the President's message declared that an objective of an urban transportation system must be to ". . . combine a basic system of efficient, responsive mass transit with all other forms and systems of urban, regions, and inter-city transportation." However, there is nothing in either the Reorganization Plan or in the President's Message which would set out the manner in which the Department of Transportation would proceed, with the achievement of this objective once this transfer has been completed.

While recognizing and accepting the utility of the transfer of the urban mass transit program to the Department of Transporta-

tion, and agreeing with the hopeful and important objectives implicit in this reorganization, I believe that many questions remain unanswered. It is my hope that you will endeavor to lay before the Congress the answers to these questions within the next few days so that this reorganization can be consummated without disapproval by this Body.

(1) What role will be reserved to the Department of Housing and Urban Development, so that it will be enabled ". . . to assure that urban transportation develops as an integral component of the broader development of growing urban areas?" When and how will the Secretary of Housing and Urban Development determine that given transportation projects ". . . concern the relationship of urban transportation systems to the comprehensively planned development of urban areas?"

(2) What steps will the Secretary of Transportation take to ensure that the transfer of the urban mass transit program will bring about a coordination of all transportation programs so as to permit the establishment of a balanced Federal transportation program and, within each of our metropolitan areas, integrated transportation systems?

I look forward to your response to these issues.

With best wishes.

Sincerely,

JACOB K. JAVITS.

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., May 6, 1968.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We have your thoughtful letters of April 17 in which you have raised several important questions concerning the manner in which the Departments of Housing and Urban Development and Transportation would achieve the objectives of the Reorganization Plan No. 2 of 1968. These points were given considerable thought before the Reorganization Plan was forwarded by the President, and we are happy to tell you how we would plan to proceed after the transfer of functions.

The Report To The President On Urban Transportation Organization of February 19, 1968, was prepared jointly by the two Departments and goes somewhat beyond the Plan in indicating how we intend to achieve the objectives of the President. However, the detailed arrangements and the coordinating machinery for implementing the Plan will be incorporated in interagency agreements to be developed with the participation of the Executive Office of the President. The two Departments have agreed upon several provisions to be included in an implementing Memorandum of Understanding which are especially relevant to your specific question.

1. The Federal responsibility for assisting and guiding areawide comprehensive planning (including comprehensive transportation planning) by local communities resides in HUD. Criteria for urban transportation system planning are to be developed jointly by HUD and DOT.

2. HUD will advise DOT whether there is a program for a unified urban transportation system as part of the comprehensively planned development of the area. This will include the adequacy of the planning process. The HUD advice would be a prerequisite for DOT making the findings required under sections 3(c), 4(a), and 5 of the Urban Mass Transportation Act. In addition, similar coordinative relationships will be established between DOT and HUD so as to harmonize the planning process required by section 134, title 23 of the Highway Act of 1962 with the comparable planning requirements of the Urban Mass Transportation Act.

3. DOT has the responsibility for determining whether individual projects are needed for carrying out a unified urban transportation system as part of the comprehensively planned development of the urban area. However, the Memorandum of Understanding will include arrangements under which DOT will first secure recommendations from HUD in the case of those projects having a significant impact on the planned development of the urban area.

4. DOT will utilize HUD in the review of annual work programs developed by the state highway agencies under section 307(c) of title 23, insofar as these programs have an impact on comprehensive planning in metropolitan areas. DOT and HUD will develop jointly the standards and guidelines for these reviews.

5. DOT and HUD will develop jointly the criteria for federally assisted urban transportation system planning.

6. The Memorandum will provide that DOT secure HUD concurrence in the criteria for relocation planning made necessary by transportation development. DOT plans to provide HUD at an early date relocation information and will not approve any relocation plan without first reviewing the HUD recommendations.

To discharge these functions effectively will require substantial upgrading in HUD's planning staff. To accomplish this, HUD will need and rely on support from DOT as contemplated by the President's Message. The two Departments agree on the need for immediate steps to achieve this objective.

In your letter, you also asked what steps the Secretary of Transportation would take to bring about a coordination of all transportation programs.

Without question the urban planning process provides the best mechanism through which integrated transportation systems in metropolitan areas can be encouraged. It is for this reason that our two Departments have devoted such great attention to our relationships on comprehensive planning. We know that an integrated transportation system is not an objective in itself. Rather, the objective of all urban transportation systems is to contribute to the achievement of more comprehensive goals and objectives. In both Departments we realize that if urban transportation systems are implemented as a part of the comprehensively planned development of the area, it will be much easier to assure integrated and effective transportation services. Conversely, if urban transportation systems do not fit into the comprehensively planned development of the area, the mere fact that the transportation services themselves are integrated and multi-modal may be of little utility.

To facilitate the coordination of all transportation programs, the Department of Transportation has also taken certain steps in its internal organization. For example, the organization of the Office of the Secretary reflects the need for a coordinated approach to transportation. The Office of the Secretary is organized along functional lines, each major function being headed by an Assistant Secretary. These Assistant Secretaries are charged with assuring coordination across the modal lines represented by the various Administrations of the Department. Thus, a particular transportation policy or program issue is reviewed within the Office of the Secretary from a total transportation viewpoint, not from the viewpoint of a single mode such as highways, aviation, or rail.

In connection with the transfer of the urban mass transportation program, the existing coordinative mechanisms are being reexamined to assure their continued adequacy. While there may be a need to make some adjustments, in order to reflect the critical need for coordination in urban areas, no major reorganization is anticipated.

We recognize that we have much to do in developing detailed guidelines and operational arrangements necessary to carry out the President's Plan. However, we believe the above agreed upon points when incorporated in the Memorandum of Understanding will assure that the objectives stated in the President's Message will be met.

We welcome your interest in this important matter and would be glad to provide any further information which might be useful.

Sincerely yours,

ALAN S. BOYD,
Secretary, Department of Transportation.
ROBERT C. WEAVER,
Secretary, Department of Housing and Urban Development.

THE REPUBLICAN CONGRESSIONAL LEADERSHIP ON MIDDLE EAST POLICY

Mr. JAVITS. Mr. President, on May 3, the distinguished Senate minority leader, Mr. DIRKSEN, and the distinguished minority leader of the House, Mr. FORD, at a press conference, discussed Republican policy in the Middle East. Of particular note in this press conference is the policy statement unanimously adopted by the Republican coordinating committee and the statement by Senator DIRKSEN favorable to the United States selling Phantom IV supersonic jet aircraft to Israel, needed to maintain the arms balance in the Middle East.

I ask that there be included as part of my remarks the full text of the Dirksen-Ford Republican congressional leadership press conference of May 3, 1968.

There being no objection, the text of the conference was ordered to be printed in the RECORD, as follows:

THE REPUBLICAN LEADERSHIP OF THE CONGRESS
PRESS CONFERENCE, MAY 3, 1968

Sen. DIRKSEN. Well, gentlemen, are you ready, and ladies? By the way, there will be only one statement this morning. So whenever the cameras are ready. . . .

Today marks the first day of the 21st year of independence of the State of Israel. We congratulate the men, women and children of Israel upon their extraordinary success to date.

Now the Middle East is becoming a tinderbox of fearful dimensions and the Johnson-Humphrey Administration still has no firm policy there.

It is a cold, harsh fact that unless a firm, credible policy for the Middle East is soon declared and implemented, the Eastern Mediterranean potential for World War III will take frightening root. And the Johnson-Humphrey Administration still has no firm policy there.

Nearly a year ago, and most recently this month, the Republican Party represented by the unanimous vote of its Republican Coordinating Committee, made the following specific recommendations:

1. The United States should assume active and imaginative leadership in the international community and in the United Nations to secure a political settlement in the Middle East based on the following principles:

a. An end to the state of belligerency between the Arabs and Israel and recognition by all states in the area of Israel's right to live and prosper as an independent nation.

b. As an essential part of a permanent settlement in the Middle East, the United States should insist on, and aid in, the rehabilitation and resettlement of the more than 1 million Palestine Arab refugees who have been displaced over the past 20 years.

c. The United States should join with other nations in pressing for international supervision of the holy places within the City of Jerusalem.

d. The United States should continue to strive for international guarantees of in-

nocent passage through international waterways, including the Straits of Tiran and the Suez Canal.

2. The United States should propose a broad scale development plan for all Middle Eastern States which agree to live peacefully with their neighbors. This should include the bold imaginative Eisenhower-Strass Plan to bring water, work and food to the Middle East by construction of nuclear desalinization plants.

3. The United States must fully recognize the implications of increasing Soviet activities in the Middle East and North Africa and be alert, firm and resourceful in countering them.

4. The United States, in furtherance of peace in the Middle East, should strive with other nations for agreed limitations on international arms shipments to the area; but failing such an agreement, the United States should be prepared to supply arms to friendly nations sufficient to maintain the balance of power and to serve as a deterrent to renewed open warfare.

5. Finally, the United States should make a determined effort to expose and isolate the militant troublemakers in the Middle East. We should support and encourage only non-aggressive non-Communist leaders.

The Republican Leadership of the Congress now reaffirms and again endorses each of these recommendations in its entirety. Let no American be unaware of the fact that Russia has moved into the Middle East and the Mediterranean with tremendous and increasing naval and diplomatic strength in the biggest Soviet power-grab since the end of World War II. And the Johnson-Humphrey Administration has no firm policy there.

Spearhead of the Russian Middle East policy is the modern and constantly growing Russian navy. Today, for the first time, the Kremlin has a fleet on permanent duty in the Mediterranean. It has missile cruisers, missile submarines, a helicopter carrier and amphibious landing forces with the most modern of equipment. These give the Kremlin the means of intervening in troubled countries entirely around the Mediterranean rim.

It is an ominous fact that Russia is dramatically gaining in strength at sea in the strategic, vital Mediterranean area. And the Johnson-Humphrey Administration still has no firm policy there.

The American people, so sorely troubled here at home, can no longer tolerate such blindness to the danger of World War III present today in the Middle East. We urge, no we demand, of the Johnson-Humphrey Administration that it move now with courage, clarity and firmness to assure the State of Israel and the American people that peace and progress in the Middle East can and will be won.

So there you have it.

Question. President Johnson told his news conference this morning that we would accept Paris as a site for talks . . .

Sen. DIRKSEN. Well, obviously we're delighted. That's the first sign of a little progress in this impasse and on top of that I think we can utter the hope that the preliminary negotiations will be fruitful and that they will lead to the larger more extended and more detailed discussions, out of which some kind of an accord can be reached.

Mr. FORD. I would agree with the statement made by the Senator.

Question. To go back to your Middle East statement, there's nothing in here on the question of the United States supplying military jet planes to Israel to balance the shipment of Russian jets to the Arabs. Do you feel that the United States should supply those supersonic jets to Israel?

Sen. DIRKSEN. Well, we're aware of the fact that the Soviet arms in the Middle East, of course, and have been supplied to the Arab nations. But we're aware also that the French Government from time to time has contracted to deliver arms over there and they have done so in the case of Iraq and off and on DeGaulle has evidenced an interest there and obviously that's going to have to be countered. As a result, and because of these developments that have taken place, I think the request that Israel made for some what they called the Phantom IV jets probably should be complied with if we're going to carry out what we recommended in the Coordinating Committee and have re-endorsed here; i.e., to maintain a balance in the Middle East.

Question: If memory serves, it seems in the past you have referred to the Johnson Administration and in today's statement you refer to the Johnson-Humphrey Administration. Is there any specific reason?

Sen. DIRKSEN. Oh, it seems to me that we have used this twin phrase for a good many months, as a matter of fact.

Mr. FORD. I think we started using the Johnson-Humphrey phrase at least three years ago.

Question: Did you have any inside information at the time? (Laughter)

Sen. DIRKSEN. You mean with respect to what finally happened both as relates to the President and his disinclination to again become a candidate? Of course the intrusion of the Vice President into this race. No, Frank, I had exactly no hard information on that subject, so don't ask me to qualify that word hard.

Mr. FORD. It's good Republican intuition.

Sen. DIRKSEN. Otherwise, gentlemen, it's a pretty day. (Laughter) Did I ever tell you about a fellow who applied for a job with the Telephone Company, just a little county telephone outfit, out in my home county, and there were all sorts of questions to answer. At the bottom was about 4 or 5 lines for remarks. So he filled it out and sat there puzzling about those remarks and scratched his head, and finally he wrote, it's a mighty pretty day.

Thank you for coming.

BAKER WITHDRAWS AS FAVORITE SON CANDIDATE

Mr. MUNDT. Mr. President, the news ticker has just disclosed a dramatic new development in the race for the presidential nomination, in that our colleague, the Senator from Tennessee [Mr. BAKER] has today announced his withdrawal as a favorite son, and the Tennessee delegation is putting its support behind Richard Nixon.

I have issued a press release in connection with these two developments, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

Following is statement by Senator Karl Mundt, South Dakota Republican, on decision by Senator Howard Baker, R-Tenn., wtihdrawing as favorite son to support Presidential candidacy of Richard Nixon. Mundt is chairman of the South Dakota Nixon-pledged delegation to the Republican National Convention:

"The steady stream of sweeping primary victories by Dick Nixon coupled with today's important announcement of favorite son, Senator Howard Baker of Tennessee, that he is withdrawing in favor of Nixon, moves the former vice-president very close to the nomination in Miami. A primary success in Oregon later this May, if it materializes, should convince any remaining doubters that Nixon really is the one for 1968 and that he will both be nominated in August and elected to the Presidency in November.

"Americans definitely are looking for new leadership in the White House of the type that Nixon has the experience, the ability, and the decisiveness to provide. His campaign is gaining new recruits from among uncommitted delegates every day. In other States where favorite son candidates are trying to hold support to provide them with personal bargaining power at the convention, additional delegates are indicating a desire to vote for Nixon on the first ballot to avoid having their support registered only after the decision is already made.

"Senator Baker is to be congratulated on his wise decision to forego any personal bargaining power in a smoke-filled hotel room in favor of a united Republican Party behind Dick Nixon whose vote-drawing power is now an established fact for all to see. The rank and file Republicans have spoken and the message signaled to their readers rings loud and clear. It says: 'We want Nixon.'"

TIME FOR POLICY DECISION IN FAVOR OF OUR MEN BEARING THE BURDEN OF THE WAR IN VIETNAM

Mr. MILLER. Mr. President, last Monday, in a speech to the Senate, page 5363 of the RECORD, I said it is time for President Johnson to take the American people into his confidence and to tell them the facts about what North Vietnam has done during the past 6 weeks in violation of his assumption that no advantage would be taken of his restrictions on our air campaign over North Vietnam.

And I said, also, that it is time for the President to announce a policy decision which will satisfy both the United States and its allies that our men in Vietnam will not be placed in greater peril as a price for talks which, like the truce talks in Korea, could be used by the enemy as a calculated step in inflicting greater casualities upon us.

I emphasized that such a policy decision should be in favor of—and never against—our brave men who are bearing the real burden of this war; that it should be in favor of reducing—and never increasing the casualties which these men will suffer.

I said then, and I say it now, our position during the talks taking place in Paris will be severely weakened if we do not make it clear to the enemy that we are not so interested in talks as to tolerate abuse of our restraint.

I said then, and I say it now, the question of the people of this country have a right to have answered is just how many more American lives are to be sacrificed before the President orders an effective response to the escalation of the flow of troops and war materiel from North Vietnam into South Vietnam. And that response, quite obviously, is to untie the hands of our air and sea power until such time as the enemy is willing to enter into reciprocal restraint.

In an effort to get talks started, the President withdrew his rightful demand for assurances of reciprocal restraint from Hanoi. Instead he assumed there would be such a response. His assumption has proved erroneous. Press reports which I placed in the RECORD last Monday uniformly indicate that, instead of restraint, North Vietnam has done the opposite—has escalated its flow of troops and war materiel into the South. The re-

sult has been as predicted by all of our military leaders—and, indeed, as predicted, by the President himself at the White House only last February 1—more American and allied casualties. In today's Washington Evening Star it is reported from the U.S. command in Saigon that 562 Americans were killed last week—the highest of the war; and the South Vietnamese Army lost 675—the third highest total in a week during the war.

I ask unanimous consent that the article from the Star entitled "562 U.S. Dead Highest of Any Week of War" be placed in the RECORD.

I also ask unanimous consent to have placed in the RECORD an article from today's New York Times, which indicates that not only has there been a curtailment in the area of operations of our air campaign over North Vietnam, but a reduction in the sorties flown during the last 7 days.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FIVE HUNDRED SIXTY-TWO U.S. DEAD HIGHEST OF ANY WEEK IN WAR: REDS ATTACK NORTH OF SAIGON AND IN CENTRAL HIGHLANDS

SAIGON.—North Vietnamese troops launched strong attacks today north of Saigon and in the Central Highlands as the U.S. Command announced that more American soldiers were killed in combat last week than in any week of the Vietnam war.

U.S. Command said 562 Americans were killed, 19 more than the previous record in the week of Feb. 11–17. The U.S. Command reported 5,552 enemy killed last week, no record, while South Vietnamese headquarters said 675 government troops were killed, their third highest weekly toll of the war.

A U.S. spokesman said much of the American death toll resulted from heavy action in the northernmost provinces, where U.S. Marines fought several battles last week around Dong Ha, 11 miles south of the demilitarized zone. The week also saw hard fighting in and around Saigon as American and South Vietnamese forces crushed the second enemy offensive within four months against the capital.

FIGHTING NEAR KONTUM

Allied forces reported nearly 400 more Viet Cong and North Vietnamese killed yesterday in clashes from the canal-laced Mekong Delta to the demilitarized zone. And today there were reports of more fighting in the Central Highlands on three sides of Kontum, a key provincial capital and near Khe Sanh, in the northwest corner of the country.

The Communist command appeared to be trying to keep up the military pressure to strengthen its bargaining position at the Paris peace talks. It sent troops storming at American and Australian positions and South Vietnamese outposts.

Near Khe Sanh, North Vietnamese troops fought U.S. Marines from bunkers for 7½ hours.

The heaviest fighting was around Kontum City where an allied force reported 147 North Vietnamese killed in five hours of action yesterday during which not an allied soldier was killed.

OUTPOST DEFENDERS RETALIATE

That battle was seven miles northeast of Kontum City. Today, in the darkness before dawn, North Vietnamese troops about 20 miles west of the city opened up with mortars, rocket-propelled grenades, flamethrowers and small arms on a patrol base and an outpost of the U.S. 4th Infantry Division within 400 yards of each other.

The defenders of the outpost were forced back to the patrol base, which retaliated with mortars and artillery while Air Force twin-engine AC47s armed with rapid-firing guns sprayed thousands of rounds into the enemy positions under the light of flares.

As dawn broke, the North Vietnamese pulled back but an hour later renewed the mortar attack on the patrol base. Sporadic shelling continued during the day.

Initial reports said four U.S. soldiers have been killed and 22 wounded, while enemy casualties were unknown.

ACTION BEFORE DAWN

At another 4th Division patrol base 17 miles west- southwest of Kontum City, U.S. troops killed 13 North Vietnamese before dawn, U.S. headquarters reported. No U.S. casualties were reported.

U.S. Marines patrolling the Khe Sanh area reported killing 46 North Vietnamese in a 7½-hour fight yesterday south of the Marine combat base. Seven Marines were reported killed and 21 wounded.

Australian troops manning a patrol base 25 miles northeast of Saigon threw back hundreds of charging North Vietnamese twice as the enemy launched "two determined waves of ground attacks about two hours apart" early today, the Australian Command reported.

The enemy covered their infantry assault with a steady barrage of rocket and mortar fire, but Australian and U.S. artillery fired back, and U.S. fighter-bombers raked the attackers.

The Aussies swept the battlefield afterwards and reported at least 33 North Vietnamese bodies, 17 of them inside the camp. Australian casualties were reported light.

It was the second attack this week on the base.

In another onesided battle, troops of the U.S. 25th Infantry Division reported 82 enemy soldiers killed 18 miles northeast of Saigon. The U.S. Command reported five Americans were killed and 20 wounded.

A mile away U.S. helicopter gunships caught an estimated 100 green-uniformed Viet Cong and blasted them with rockets and machine guns. The chopper crews reported 15 enemy killed, one antiaircraft weapon destroyed, and no U.S. casualties.

In three other sharp clashes yesterday, U.S. units reported 16 of their men killed and 27 wounded while killing 81 enemy troops. One of the three encounters took place deep in the Mekong Delta, where U.S. infantrymen poured out of attack boats to engage the enemy in the rice paddies.

South Vietnamese infantrymen dueled enemy forces twice in the delta. In Long An Province just south of Saigon the government troopers reported killing 29 Viet Cong. And in a skirmish 75 miles southwest of the capital government units claimed 14 enemy killed against two of their own killed and 10 wounded.

U.S. MERCHANT SHIP HIT

A South Vietnamese spokesman reported four enemy mortar attacks, the biggest 100-round pounding of a military subsector 20 miles southwest of Hue which killed one person and wounded five.

Enemy mortars also hit the U.S. merchant ship Transglobe about 12 miles southwest of Saigon, but there were no casualties.

In a delayed announcement, a government spokesman said the 9th South Vietnamese Infantry Division overran a Viet Cong prison camp in the Mekong Delta this week and freed 21 prisoners, presumably all Vietnamese. They were being held in the village of Tam Duong, 75 miles southwest of Saigon. No other details were given.

The air campaign against North Vietnam's southern panhandle, meanwhile, appeared to be slacking off despite improving weather conditions. A tabulation showed U.S. planes flew 1,513 missions against the area during the first two weeks of May, 127 less than they flew in poorer weather during the last two weeks of April.

U.S. spokesmen refused to comment when asked if the reduction was a conciliatory gesture to North Vietnam because of the preliminary peace talks in Paris.

DROP IN RAIDS LINKED TO TALKS: BOMBING IN NORTH REDUCED DURING THE LAST 7 DAYS DESPITE FINE WEATHER

(By Douglas Robinson)

SAIGON, SOUTH VIETNAM, May 15.—United States pilots have reduced the number of air raids against targets in North Vietnam during the last seven days, despite the best flying weather of the year.

The reduction led to speculation that the preliminary peace talks in Paris were influencing military strategy. It was recalled that air officers had said only recently that air strikes over the North would increase once the weather cleared.

The military command had no official comment on the matter. An air officer, however, shrugged and said, "Look at the figures and draw your own conclusions."

MORE THAN IN EARLIER PERIOD

During the last seven days, the United States has flown an average of 113 missions each day in near-perfect flying weather. During a seven-day period last month, when the monsoon season shrouded the land in heavy clouds, an average of 122 missions a day were carried out.

On April 19, when the weather over the panhandle—the area immediately north of the demilitarized zone—was described as "scattered to clear along the coast in the afternoon," American aviators flew 160 missions, the highest number since President Johnson announced a bombing curtailment on March 31.

Although the number of missions has dropped in recent days, it is still higher than the daily average of those flown during the first three months of this year against all of North Vietnam.

Since the President's announcement, which was later interpreted as precluding bombing north of the 20th Parallel, American planes have pounded suspected troop concentrations and supply points below the 19th Parallel.

In the days just after the President's order for a bombing curtailment, military officers here said that Mr. Johnson was wise in starting the curtailment while weather conditions were less than favorable for all-out bombing.

The largest number of missions flown in the last seven days came on Saturday, when 124 raids were carried out in weather described as fair.

AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958—CONFERENCE REPORT

Mr. SPONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The Assistant Legislative Clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SPONG. Mr. President, I would like to explain very briefly the actions of the conferees on H.R. 15131.

The conferees agreed to provide a two-stage salary increase for police and firemen. The first stage, retroactive to October 1967 increases entrance salaries from the present $6,700 to $7,800, and increases other salaries proportionately. The second stage provides for a salary scale with an entrance salary of $8,000, effective in July 1968. The conference agreement is between the $7,500 retroactive and $8,000 July, 1968 minimum salary scales approved by the Senate and the $8,000 salary originally passed by the House, retroactive to October 1967.

On other matters affecting police and firemen, the House conferees accepted Senate amendments that struck provisions for extra compensation for the incumbent police executive officer and that added to the law permission to dismiss probationary officers for unsatisfactory performance during the probationary year. The Senate conferees agreed to accept House provisions protecting the jobs and advancement opportunities for detectives, and requiring automatic promotion for certain officers who had passed a promotional examination and had been serving in the higher position on an "acting" basis. The conferees agreed to retain existing law regarding promotions for deputy chiefs to their maximum salary level after 30 years continuous service. The House-passed bill would have extended this benefit to include lower-ranking members and the Senate had voted to repeal the present law.

Regarding teachers, the Senate conferees agreed to remove provisions for teachers and school officers from the bill affecting police and firemen. Instead, the committee approved with amendments a separate bill, H.R. 16409, providing substantial salary increases and other benefits for these school employees. The Senate approved this teacher pay bill on May 13.

Mr. President, I am satisfied that the agreement reached in conference grants much needed support for dedicated public servants in the District of Columbia and will aid in the recruitment of additional needed personnel.

I move that the Senate agree to the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY COMMUNICATIONS IN EVENT OF CIVIL DISORDERS DURING THE MARCH ON WASHINGTON

Mr. ALLOTT. Mr. President, I believe that every responsible citizen is extremely concerned about the potentially explosive situation with which we are confronted here in the Nation's Capital.

Our concern, as the distinguished junior Senator from Nebraska [Mr. CURTIS] expressed so well a few days ago, is for the safety and welfare of all of the people both resident and transient of this area, but most especially for those unfortunate citizens who reside in the area most likely to be hardest hit if we are faced with more trouble.

Let us not mislead ourselves. When the thousands who are expected to participate in the so-called Poor People's March at its climax, congregate in one place at one time, and when the emotions of these people are aroused to a fever pitch over a period of time, by a few firebrands, danger plainly exists. The present atmosphere in our Nation's Capital is such that pledges of peace and nonviolence cannot prevent trouble should it be instigated by agitators during group activity of the marchers.

Whether or not we condone or support the method which the Southern Christian Leadership Conference has chosen to confront the Congress with their demands, the fact is that they were permitted to come, to encamp alongside the Mall, and more are arriving every day. Hence, obviously we must deal with the situation as it is today, and prepare for what could happen if there is any provocation whatsoever.

That is why a few of us have been so very concerned with the planning for any eventuality and for the proper coordination of all of the agencies and Government units involved in maintaining law and order.

Some Members of this body have already spoken on various aspects of this planning and coordination, but today I should like to call to the attention of the Senate one additional problem area which concerns me greatly, and which should concern every member of the Senate, and indeed every resident of the Washington metropolitan area.

I speak of the matter of emergency communications. While this subject has not been given a great deal of publicity, there is no doubt that proper communications coordination is one of the key factors involved in maintaining law and order during a disturbance.

We are all aware that, in a general sense, our communications equipment and our capabilities in this country extend far beyond that of any other nation. What is not well known, however, is that while we do possess excellent capability, the lack of proper planning and coordination of our telecommunications facilities has rendered our law enforcement agencies nearly helpless in some of the disasters which have occurred in recent years.

As an example, it was noted at a Federal-State Telecommunications Advisory Committee meeting in Washington, D.C., on September 14, 1967, that even though we are capable of communicating from Paris to Moscow with no problem these days, in an emergency in the United States—and I now quote from the transcript of that meeting—"we can't communicate to a point 3 blocks away."

At the same meeting, Mr. President, it was pointed out that in Detroit, during the riot of 1967, four different communication systems were going on at the same time. They had the Federal troops, the National Guard, the State highway patrol and the Detroit city police, all with different systems. Quoting again from the transcript of that meeting, it was pointed out that in Detroit, during the riot, with these four different communications systems in operation, "at times the leaders could not communicate with each other." Obviously, such a situation prevented proper law enforcement and control of the terrible trouble which was occurring in Detroit. One of the speakers at this committee meeting, said:

> Here is where a critical problem exists right now. We really are not able to cope with it in an extreme emergency—whether it happens to be a riot, a flood, a tornado, or any type of extreme emergency.

I knew of these problems, and I was concerned about what was being done about the matter, particularly since I had been reading the statements of militant extremists all winter to the effect that they were going to burn down our cities again this summer.

I was also aware that under Executive Order No. 10995, dated February 16, 1962, communications responsibilities were assigned to the newly created Office of Telecommunications Management.

The assignment of responsibilities to this new department by the President of the United States, made it clear that—I quote from the Executive order:

> It is essential that responsibility be clearly assigned within the executive branch of the government for promoting and encouraging effective and efficient administration and development of United States national and international telecommunications.

The Executive order continues:

> There is an immediate need for integrated short and long range planning with respect to national and international telecommunications programs . . . and for the development of national policies in the field of telecommunications.

Having established the need for the agency, the Executive order, in creating the position of Director of Telecommunications Management—which, by the way, is by law held by one of the assistant directors of the Office of Emergency Planning—spells out the responsibilities of the office. Again quoting the Executive order, it says that the Director of Telecommunications shall "coordinate telecommunications activities of the executive branch of the Government and be responsible for the formulation after consultation with appropriate agencies, of overall policies and standards therefor."

The order continues:

> Agencies shall consult with the Director of Telecommunications Management in the development of policies and standards for the conduct of their telecommunications activities within the overall policies of the executive branch.

I could go on and on, Mr. President, in detailing the responsibilities of this department, but let me just conclude by stating two of the objectives which the Director of Telecommunications Management "shall consider" in carrying out his responsibilities.

Objective A reads:

Full and efficient employment of telecommunications resources in carrying out national policies.

Objective B reads, in part:

Development of telecommunications plans, policies, and programs under which full advantage of technological development will accrue to the Nation and the users of telecommunication; and which will satisfactorily serve the national security.

Against this background of the responsibilities of this department, Mr. President, on March 29, when the Office of Telecommunications Management appeared before the Independent Offices Subcommittee of the Appropriations Committee, of which I am the ranking minority member, I raised the question of communications planning for riots and other civil disorder.

The Director of Telecommunications Management, Gen. James D. O'Connell, suggested that the subject of my inquiry was not a matter which should be discussed in open hearing. The chairman of the subcommittee, the Senator from Washington [Mr. MAGNUSON], and I agreed and the Department of Telecommunications Management agreed that the latter would prepare a report on the subject, which was sent to Senator MAGNUSON on April 22.

Two days later, at an executive session with the Department of Telecommunications Management, when our subcommittee received a briefing on a related matter, I again raised the question of telecommunications planning in the event of riots or other disturbances, because I had encountered some communications difficulties of my own during the April 4 and 5 riot in Washington, which I shall not detail at this time.

But I have learned, from speaking with other Senators and with Members of the House of Representatives, that they all encountered some difficulties. As a matter of fact, on April 5 I was in the room, in the House of Representatives, with the House Ways and Means Committee, and I was fully aware of the communication problems that the Members of the House present at that time were having.

General O'Connell then promised to prepare a supplemental confidential report on this matter. I must say, Mr. President, that what I shall say today does not contain any of the confidential matter contained in that report. It does contain other matters contained in the report.

Then, on May 1, the District of Columbia government issued a report on the riot in April which pointed to some communications problems. I called this to General O'Connell's attention, and requested that the scope of his report be expanded to answer some additional questions.

That report was completed and delivered to my office on Friday, May 10. It contains some confidential material, so I am not at liberty to insert it in its entirety into the RECORD at this time.

However, this document, prepared by the Office of Telecommunications Management, emphasizes, among other things, the widely known fact that the Attorney General of the United States on February 7, 1968, was given the task of coordinating riot control and planning between the various agencies of the Federal Government, as well as between the Federal Government and State and local authorities.

This was accomplished through Executive Order No. 11396, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER NO. 11396 PROVIDING FOR THE COORDINATION BY THE ATTORNEY GENERAL OF FEDERAL LAW ENFORCEMENT AND CRIME PREVENTION PROGRAMS

Whereas the problem of crime in America today presents the Nation with a major challenge calling for maximum law enforcement efforts at every level of Government;

Whereas coordination of all Federal criminal law enforcement activities and crime prevention programs is desirable in order to achieve more effective results;

Whereas the Federal Government has acknowledged the need to provide assistance to State and local law enforcement agencies in the development and administration of programs directed to the prevention and control of crime;

Whereas to provide such assistance the Congress has authorized various departments and agencies of the Federal Government to develop programs which may benefit State and local efforts directed at the prevention and control of crime, and the coordination of such programs is desirable to develop and administer them most effectively; and

Whereas the Attorney General, as the chief law officer of the Federal Government, is charged with the responsibility for all prosecutions for violations of the Federal criminal statutes and is authorized under the Law Enforcement Assistance Act of 1965 (79 Stat. 828) to cooperate with and assist State, local, or other public or private agencies in matters relating to law enforcement organization, techniques and practices, and the prevention and control of crime:

Now, therefore, by virtue of the authority vested in the President by the Constitution and laws of the United States, it is ordered as follows:

Section 1. The Attorney General is hereby designated to facilitate and coordinate (1) the criminal law enforcement activities and crime prevention programs of all Federal departments and agencies, and (2) the activities of such departments and agencies relating to the development and implementation of Federal programs which are designed, in whole or in substantial part, to assist State and local law enforcement agencies and crime prevention activities. The Attorney General may promulgate such rules and regulations and take such actions as he shall deem necessary or appropriate to carry out his functions under this Order.

Section 2. Each Federal department and agency is directed to cooperate with the Attorney General in the performance of his functions under this Order and shall, to the extent permitted by law and within the limits of available funds, furnish him such reports, information, and assistance as he may request.

LYNDON B. JOHNSON,
THE WHITE HOUSE, *February 7, 1968.*

Mr. ALLOTT. This order says in no uncertain terms that the Attorney General is in charge of coordinating riot or civil disturbance plans. That statement is not open to question by the wording of this Executive order.

So, Mr. President, we have a situation where Mr. Ramsey Clark, the present Attorney General of the United States, has been told by the President of the United States that it is his responsibility to work out the details of coordination and planning for crime prevention and law enforcement between, as I said, the various Federal Government agencies, and the Federal, State, and local authorities.

In view of this, Mr. President, you can imagine how shocked I was to find on page 19 of the report prepared by the Office of Telecommunications Management to which I referred earlier, the statement, and I shall quote now from that report:

As of May 10, 1968, the Director of Telecommunications Management has not received any reports or requests for assistance . . . from the Attorney General.

This is shocking. I have detailed the responsibilities of the Office of Telecommunications Management. I have received private estimates of their capabilities to mobilize communicators, and while I think it best not to divulge that information at this time, I can relate that in my judgment that Office stands well equipped to be of assistance to the Attorney General in the planning he has been ordered to carry out by the President.

In addition, the directive which established the Office of Telecommunications Management makes it their duty to do this.

The Executive order was issued on February 7, 1968. On April 4 and 5 we had a riot in Washington. According to the Department of Telecommunications Management, between February 7 and April 4, the Attorney General made no requests for assistance or made no reports of communications problems to the Director of Telecommunications. Here it is May 16, well over a month after our riot, and we face the possibility of another emergency situation. Yet, in a written report, the Office of Telecommunications Management states flatly that the Attorney General has not contacted or made any reports or requests to its department.

I checked with the department again today, 6 days after their report was delivered to my office, and they still have yet to receive a request for assistance from the Attorney General.

This is doubly significant when one considers that at the same time the copy of this report was delivered to my office, an identical copy was transmitted to the Attorney General.

I ask, Mr. President, does the Attorney General have all of the advice he needs? Has he taken every possible step to insure that what happened in Detroit and other cities with respect to communications problems does not happen here?

I can relate from my experience in dealing with the Federal Communications Commission over many years, and more recently from my experience with the Office of Telecommunications Management, that communications problems are for the experts to handle. Perhaps the Attorney General has some communications experts with whom he has been working, but he has many more in the Office of Telecommunications Management. The least that can be said of this

shameful situation is that he is not fully employing the resources of the Government in coordinating his plans. I think the problem goes beyond that, however.

Having listened with great interest to the recent speech of the Senator from Arkansas [Mr. McCLELLAN], wherein he detailed some information, which the Permanent Subcommittee on Investigations, of which he is the chairman, had obtained regarding serious problems with which the Nation may be faced as a result of the Poor People's Campaign, and having read the committee report on the same subject, I am not at all convinced that the Attorney General is enough aware or concerned with the seriousness of the situation as it exists. I charge that he has not carried out the responsibilities of the President's order of February 7 and that he has not fulfilled his responsibilities as the chief law-enforcement officer of this Nation, particularly as it pertains to telecommunications.

I believe he owes an explanation to all Americans. He can start by answering some questions. He can start by stating why he has not to this day enlisted the services of the Office of Telecommunications Management to assist him with the planning and coordination of the all important communications aspect of riot control.

I believe I am free to say that in a general way, while I have no knowledge and the Office of Telecommunications Management apparently has no knowledge of the plans that have been made by the Attorney General, there is a great danger that plans that have been made in one department may be conflicting with the other. At least they have not been meshed or coordinated.

He can tell us if the report, by Mike Buchannan of Metromedia television in Washington, was accurate when he reported that new communications facilities to assist with the April 4 and 5 situation in Washington were available but that no decisions had been made as to where to plug them in.

The Attorney General should inform Members of the Senate, and the American people, if reports received that their Capital City has actually regressed in communications coordination since the April 4 and 5 disturbance, are accurate or inaccurate.

He should state openly how soon his plans call for activating the communications capabilities of the Office of Civil Defense in the event of a future disturbance here. Does he think that it is a good idea to wait as long as the authorities did during our last riot?

He must answer these questions, Mr. President, because the safety of each and everyone of us in this Nation depends now on the kind of planning and coordination the Attorney General has done. It is his designated responsibility.

If what I know of the communications situation is any example of the kind of work he has done, and the kind of planning he is directing, then we are all facing grave danger. I call on him to respond before it is too late.

ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, May 16, 1968, the Vice President signed the enrolled bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 1558. A bill to provide for the repayment of certain Federal-aid funds expended in connection with the construction of the Garden State Parkway (Rept. No. 1124).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 2837. A bill to authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes (Rept. No. 1129); and

S. 3068. A bill to amend the Food Stamp Act of 1964, as amended (Rept. No. 1130).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

S. 3143. A bill to amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such act (Rept. No. 1128).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

S.J. Res. 168. A joint resolution to authorize the temporary funding of the emergency credit revolving fund (Rept. No. 1127).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes (Rept. No. 1126).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2276. A bill to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations (Rept. No. 1125).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes (Rept. No. 1131).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. YOUNG of Ohio. Mr. President, from the Committee on Armed Services I report favorably the nominations of 30 flag and general officers in the Army, Navy, Air Force, and Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. Louis Kaufman, and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. Raymond Ashby Wilkinson, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army;

Maj. Gen. George Vernon Underwood, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general while so serving;

Maj. Gen. William James Sutton, U.S. Army Reserve officer, to be Chief of Army Reserve;

Lt. Gen. James M. Masters, Sr., U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list;

Lt. Gen. Andrew Jackson Goodpaster, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general while so serving;

Adm. Ulysses S. G. Sharp, Jr., U.S. Navy, for appointment to the grade of admiral on the retired list;

Lt. Gen. Victor H. Krulak, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list;

Col. William T. Woodyard, Regular Air Force, for appointment as dean of the faculty, U.S. Air Force Academy, with rank of brigadier general;

Rear Adm. John V. Smith, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Maj. Gen. William J. Van Ryzin, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

Mr. YOUNG of Ohio. Mr. President, in addition, I report favorable 904 appointments in the Army in the grade of major and below, 2,629 appointments in the Air Force in the grade of major and below, and 3,656 promotions in the Navy in the grade of commander and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Leonard J. Kirschner, and sundry other persons, for appointment in the Regular Air Force;

James G. Barrett, Jr., and sundry other distinguished graduates of the Air Force Officer Training School, for appointment in the Regular Air Force;

George H. Dygert, and sundry other persons, for appointment in the Regular Army;

Hugh F. Bangasser, and sundry other scholarship students, for appointment in the Regular Army of the United States;

Darrell G. Agee and sundry other distinguished military students, for appointment in the Regular Army of the United States;

Richard F. Rosser, U.S. Air Force, for appointment as permanent professor, U.S. Air Force Academy;

Phillip L. Abold, and sundry other cadets, U.S. Air Force Academy, for appointment in the Regular Air Force;

Richard A. Blank, midshipman, U.S. Naval Academy, for appointment in the Regular Air Force;

George F. Adam, Jr., and sundry other cadets, U.S. Military Academy, for appointment in the Regular Air Force;

David C. Aabye, and sundry other officers, for promotion in the U.S. Navy;

David E. Adams, Jr., and sundry other midshipmen (Naval Academy), for assignment in the U.S. Navy; and

Edward J. Lynch, and sundry other Navy enlisted scientific education program candidates, for assignment in the U.S. Navy.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON (for himself, Mr. PROXMIRE, Mr. HART, and Mr. GRIFFIN):

S. 3502. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuge in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri:

S. 3503. A bill for the relief of Dante Panzini; to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 3504. A bill to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress"; to the Committee on Rules and Administration.

By Mr. JAVITS (for himself, Mr. HART, Mr. BROOKE, Mr. SCOTT, and Mr. PERCY):

S. 3505. A bill to amend section 7(b) of the Small Business Act; to the Committee on Banking and Currency.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 3506. A bill to establish a Joint Commission on the Gold Reserves; to the Committee on Banking and Currency.

(See the remarks of Mr. TOWER when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself, Mr. HART, and Mr. NELSON):

S. 3507. A bill to repeal the Food Stamp Act of 1964 and enact in lieu thereof the Domestic Food Assistance act of 1968; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3508. A bill for the relief of Setsuko Kurihara; to the Committee on the Judiciary.

S. 3502—INTRODUCTION OF BILL TO ADD AREAS IN WISCONSIN, MICHIGAN, AND MAINE TO THE NATIONAL WILDERNESS SYSTEM

Mr. NELSON. Mr. President, for myself and the senior Senator from Wisconsin [Mr. PROXMIRE] and the Senators from Michigan [Mr. HART and Mr. GRIFFIN], I introduce a bill to add significant natural areas in Maine, Michigan, and Wisconsin to our national wilderness preservation system.

Areas recommended for inclusion in the national wilderness system in this bill are the Seney, Huron Islands, and Michigan Islands wilderness areas in the State of Michigan, the Wisconsin Islands wilderness in the State of Wisconsin, and the Edmunds and Birch Islands wilderness areas in the State of Maine. All of the lands included in these wilderness proposals are presently within the national wildlife refuge system.

The proposed Seney wilderness contains about 25,150 acres of the Seney National Wildlife Refuge, Schoolcraft County, Mich. Approximately two-thirds of the area is an outwash plain formed by a receding glacier, where treeless bogs and topographically oriented strips of bog forest form an unusual land type called a string bog. The proposed Seney wilderness is considered to contain the southernmost example of this land type in North America. The remaining third of the area contains remnants of black spruce and white pine forest, though much of the area has been logged and has been altered by repeated fires. The entire area is relatively inaccessible and seldom visited. Several kinds of big game inhabit the region, including deer, black bear, and occasionally moose. Coyotes and red fox are common and timber wolves have been reported. Bald eagles and osprey nest on the area and merit prime consideration for preservation due to their endangered status.

The proposed Seney wilderness is located entirely within the present Seney National Wildlife Refuge. A wilderness within a national wildlife refuge is by law supplemental to the primary purpose for which the refuge was established. Therefore, no change in present management and public enjoyment of the refuge will occur when the unit is accorded wilderness status.

Seney refuge is a popular recreation area. The establishment of a wilderness within a little used portion of the refuge should enhance the recreational use of the refuge because of the national publicity a wilderness will stimulate.

The proposed Huron Islands wilderness consists of eight small islands in Lake Superior within the Huron Islands National Wildlife Refuge. The islands, which are relatively isolated and seldom visited because of rough seas and limited landing sites, contain approximately 147 acres and are composed of pink and gray granite upthrusts. Trees, shrubs, and herbaceous plants cover two-thirds of the island surface while the remainder is barren or moss and lichen covered rocks.

The Michigan Islands and Wisconsin Islands wilderness proposals consist of six small islands totaling approximately 41 acres. They are all relatively isolated and seldom visited because of difficult access. The islands are considered extremely important breeding and nesting areas for herring and ring-billed gulls. Other birds of lesser importance are black-crowed night herons, great blue herons, double-crested cormorants, common and caspian terns, and several species of waterfowl. Though small and isolated, the quiet and solitude of these rugged, windswept, and wave-battered islands offer an excellent wilderness experience to those willing to visit them. The fragile island ecology, abundant bird populations, and picturesque terrain features have unique beauty and are of great interest to the scientist, the student, and nature lover.

The Edmunds and Birch Islands wilderness proposals containing a total of about 2,780 acres are within the Moosehorn National Wildlife Refuge, Washington County, Maine. This national wildlife refuge is one of very few Federal areas in the Northeast containing wilderness resources. For the fisherman, hunter, family or individual willing to walk, row or paddle a mile or so, these wilderness proposals may eventually be the only areas left, even in the State of Maine, where the solitude and beauty of true wilderness will be guaranteed for generations to come.

All the proposed wilderness areas contain unique combinations of flora and fauna that must be preserved. The balance of nature is indeed very delicate and minor disruptions of that balance can cause irreparable harm. All too often, we have allowed natural nesting and breeding areas to be drained for agricultural use and forests and prairies to be bulldozed for urban development.

The preservation of wilderness areas is an integral part of our struggle to restore the quality of our environment. Our environment is based on a series of delicate, natural interactions, operating within the overall framework of our air, water and soil; that environment is gravely threatened by man's activities.

We dump mountainous quantities of wastes into our air and water and onto our land each day. We pave 1 million acres of land a year in the name of urban development. We spray tons of persistent pesticides into our air, water, and soil every year. We litter our countryside with car bodies, nonreturnable glass bottles, and aluminum cans which defy the forces of nature.

This trend must be reversed. As we move ahead, we must learn to evaluate the effects of what we are going to do on the environment. We simply cannot continue to operate with a total disregard for the natural world around us.

The setting aside of wilderness areas—forever protected from the intrusions of man—is but a small part of what is needed to restore the quality of our environment. But at least it is a step in the right direction.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3502) to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuge in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness, introduced by Mr. NELSON (for himself and others), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 892; 16 U.S.C. 1132(c)), certain lands in (1) the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges, Michigan, as depicted on maps entitled "Seney Wilderness—Proposed," "Huron Islands Wilderness—Proposed," and "Michigan Islands Wilderness—Proposed," (2) the Gravel Island and Green Bay National Wildlife Refuges, Wisconsin, as

depicted on a map entitled "Wisconsin Islands Wilderness—Proposed," and (3) the Moosehorn National Wildlife Refuge, Maine, as depicted on a map entitled "Edmunds Wilderness and Birch Islands Wilderness—Proposed," all said maps being dated August 1967, are hereby designated as wilderness. The maps shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. The areas designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the areas are administered (including measures required in emergencies involving the health and safety of persons within the area) and subject to existing private rights, there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the areas designated as wilderness by this Act.

S. 3505—INTRODUCTION OF BILL—NEW SBA DISASTER LOAN BILL

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a new, Small Business Administration disaster loan bill, and ask that the text be printed in connection with my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The bill (S. 3505) to amend section 7(b) of the Small Business Act, introduced by Mr. JAVITS and others, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 7(b) of the Small Business Act is amended by inserting "(A)" after "(1)", and by adding at the end thereof the following new paragraph:

"(B) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area which has suffered substantial physical or economic injury, or both, as a result of any occurrence or series of occurrences, if the Administration determines that the concern has suffered substantial physical or economic injury, or both, as a result of such occurrence or series of occurrences."

Mr. JAVITS. Mr. President, this represents an amendment to section 7(b) of the Small Business Act which I am introducing on behalf of myself and the Senator from Michigan [Mr. HART], the Senator from Massachusetts [Mr. BROOKE], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Illinois [Mr. PERCY].

Civil disturbances across the country have not only caused millions of dollars of damage to property but, because of what appears to be inadequate remedies, may result in the permanent displacement of most businesses in the areas where the violence erupted.

Present programs to rebuild these areas are just not properly designed to deal with the new situations created by civil disorders. This failure is often due to the politically undesirable requirement that a mayor may declare his city a disaster area; in effect admitting he has been unable to maintain order.

Contrary to the belief of many, businessmen are not going back in large numbers into these areas. Instead, more and more buildings are left boarded up adding to the instability, the bombed out appearance, and deprivation of the neighborhood. I think it fair to say that almost 25 percent of the shops and commercial buildings in New York's Harlem are no longer open for business. Washington's burned-out inner city blocks may very likely have the same experience. I am informed the same is true in many sections of other major cities.

We face in these areas more than a money crisis: we also face a crisis of confidence. Many of these sections not only look like bombed out cities but the people who live there are made to feel like the "defeated" people after a war. We should take steps to get the stores in order and open for business—it will take inducements to do that.

I am introducing a proposal today to establish a new emergency loan program within the Small Business Administration, in view of the failure of the present disaster loan program in either its provisions or administration to meet this new type of situation. Also, I want to point up the failure of the SBA to react with sufficient urgency in needed action or recommendations for legislation.

My bill will allow the SBA to act in situations such as the destruction which followed the death of Dr. King without the complicated procedure inherent in the designation of a "disaster" area. The bill would provide the same 3-percent, 30-year loans—as for disasters—for both physical repair, working capital, and relocation of businesses which suffer substantial damage and which are located in an area which has suffered substantial economic injury as a result of any occurrence or series of occurrences. The bill would thus cover many of these areas which have been destroyed not as the result of a single disturbance, but rather after a series of disorders.

I also believe it important that after declaring an area eligible for these 3-percent, 30-year loans, the Administrator seek the views of the local community as to areawide planning and redevelopment. Thus before any loans are actually made, a community may recommend changes in location.

It also may be appropriate for these loans to be made to new owners of destroyed businesses. The availability of these low interest long-term loans may act as an incentive for a move toward greater local ownership. In addition, the Administrator in making a decision to proceed under the new provision which I propose would seek to coordinate with other agencies to determine all other possible sources of assistance.

We should be able to turn immediately to the Small Business Administration for emergency assistance. In last summer's disturbances in Newark and Detroit, the SBA within 10 days offered modified disaster assistance limited to physical repair but not taking into consideration the need for working capital, credit obligations, and so forth.

Several days after the recent disorders, Senator GEORGE SMATHERS, chairman of the Senate Small Business Committee, wired Administrator Moot asking for disaster relief for the hardest hit areas. The Administrator stated in his reply the SBA would do everything that was necessary; however, thus far the SBA has not offered to use even that portion of the disaster loan program which it can implement. It appears the disturbances and resultant losses in some of this country's largest cities were not quite disasterous enough for the SBA to act. Just how much damage is required before SBA will act remains unclear. Perhaps a city must be leveled?

The Administrator's only offer has been to use the SBA's regular loan program. Contrasted with the disaster loan program, the regular loans would be at substantially higher interest rates with shorter time for repayment. For example, the Economic Opportunity Act loan program, considered SBA's most liberal lending program, is limited to $25,000 loans at 5½ percent at a maximum of 15 years as compared with a disaster loan which may be up to $100,000 at 3 percent for over 30 years.

While I deplore SBA's unwillingness to make a determination that a disaster exists in many of these areas, such a decision would at best allow for only repair of the buildings involved. Insofar as badly needed working capital or credit is involved, this would only be available at advantageous disaster loan rates if the President were asked by the Governor—or District of Columbia Commissioner—to declare a "disaster" area. This type of decision too often cannot be obtained for political or other reasons.

Another complication in the present law is my understanding that the Office of Emergency Planning has interpreted the existing disaster loan program in such a way that the President cannot make a disaster determination unless there is actual damage to public buildings and facilities in the area.

The new proposal in the bill I am introducing today together with two pieces of legislation already before the Congress, can begin the job of restoring these areas of our cities. They will also restore the confidence of the businessman and the resident that there is still hope for a better environment.

The urban insurance bill (S. 3028) has been reported out by the Senate Banking and Currency Committee as a separate title of the 1968 Housing Act. The bill would use private insurance companies, individual States, and the Federal Government to insure that businesses will be able to obtain and/or retain their insurance even though they may be located in a disadvantaged area. Senator SMATHERS and I have both introduced proposals on this subject. I will support the bill as reported and hope for its expeditious consideration.

The other bill already introduced is my amendment to the Housing Act, which would encourage cities to take over ownership of the many abandoned properties in sections of our cities. The cities,

or a private nonprofit or cooperative buyer, could then obtain up to $10,000 per unit loans for rehabilitation of property in any deteriorated or deteriorating area. I have received support of this proposal from cities such as Pittsburgh, Atlanta, Boston, and New York City, among others. I am hopeful this provision will be also included in the Housing Act of 1968.

S. 3506—INTRODUCTION OF BILL TO ESTABLISH A JOINT COMMISSION ON THE GOLD RESERVES

Mr. TOWER. Mr. President, during the recent floor debate on the bill to remove the gold cover from our currency, I was prepared to introduce an amendment creating a Commission on the Gold Reserve.

Senator SPARKMAN, our very able chairman of the Senate Committee on Banking and Currency and manager of the gold bill on the floor, requested that various amendments be withheld in order that the gold bill could be acted upon with all possible haste.

I know that many of my colleagues are concerned, as I am, with regard to this Nation's balance-of-payments deficit. I am also greatly concerned over the recent report by the Department of Commerce which indicates that the United States experienced in the month of March its first merchandise trade deficit in 5 years. This country's exports fell 11.5 percent from February and imports rose 0.4 percent, resulting in a trade deficit of $157.7 million.

The problem, of course, is caused by pressures at home, and, more specifically, the problem is one of cost. The cost of goods produced, cost of money, cost of services—all are on the rise and at an alarming rate. Inflation has forced a strong cost factor which is negative to achievement of equilibrium in our balance of payments, and I fear that the March trade deficit is only a beginning of what may be expected in the months ahead.

Furthermore, I have been disturbed by many reports which have left the impression that the special drawing rights approach is the answer to this Nation's balance-of-currency transfers. It must not be forgotten that as long as the United States has an ounce of gold in its reserves, this gold will be jeopardized by our international trade position regardless of the success or failure of the special drawing rights system. It must also be remembered that the SDR's are tied to gold, expressed in terms of gold, and will only be issued to the various members of the International Monetary Fund in relation to the amount of gold they have previously deposited with the IMF.

For these reasons, Mr. President, I am introducing a bill to establish a joint commission to examine the gold policies of the United States, including, but not limited to, a study of the means for maintaining adequate reserves in gold to meet present and foreseeable needs, the role which gold plays in achieving liquidity in world trade, and the alternatives to the present reliance on gold in the settlement of international balances. The Commission should, from time to time, give the President and the Congress its advice and recommendations with respect to matters falling within the purview of its study.

The Commission established by the bill I am offering would consist of the Secretary of the Treasury as chairman; the Secretary of Commerce; the Director of the Bureau of the Budget; six Members of the Senate to be appointed by the President of the Senate; six Members of the House of Representatives to be appointed by the Speaker; and eight public members to be appointed by the President.

This Commission would be charged to study our gold policies generally and to give the President and the Congress its advice and recommendations with respect to matters falling within the purview of its study.

In fact, Mr. President, the creation of the Commission under this bill would follow the same pattern and purpose as the Joint Commission which was provided by S. 2080, passed by the Congress in 1965, which provided for a study of the problems then existing in our silver currency. The House Members of that Commission were appointed July 26, 1965, and the Senate Members on July 30, 1965. The President activated the Commission on May 1, 1967.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3506) to establish a Joint Commission on the Gold Reserves, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3507—INTRODUCTION OF BILL ENTITLED "DOMESTIC FOOD ASSISTANCE ACT OF 1968"

Mr. MONDALE. Mr. President, I today introduce, for appropriate reference, the Domestic Food Assistance Act of 1968. This measure would enable us to launch a new attack on malnutrition, hunger, and starvation in this country, meeting one of the needs the Poor People's Campaign today dramatizes.

Mr. President, what welfare mothers, rural farmers, Senate subcommittee hearings, and the report by the Citizens' Board of Inquiry all have told us can no longer be ignored: Hunger stalks this country. Malnutrition shames this Nation.

Mr. President, many are the paradoxes in this country. But to me none is more appalling, or less forgivable, than the paradox of hungry poor in this land of plenty.

This Nation of voluntary dieters has thousands condemned to forced fasting every day;

This Nation of food fads has thousands sick for lack of protein and vitamins they cannot afford;

This Nation that spends billions to keep food off the market has perhaps 10 million people whom the choice is beans and biscuits, or no food at all.

And part of the paradox is that we do not even know the true dimensions of the problem. For this Nation that knows much about the nutritional status of the underdeveloped countries has never done a complete study of itself.

Nevertheless, the information now available is more than sufficient to show us the nature, if not the scope of the hunger problem in this country.

Like poverty itself, hunger is a pervasive phenomenon. The look of hunger can be seen; the cry of hunger can be heard in every State in the United States. In the rural South, in the Appalachian North, on Indian reservations, in migrant camps, in urban ghettos live men, women, and children for whom each day represents a new horror, and to whom the malnutrition, disease, and death associated with Asia and Africa are a daily threat in America.

> The baby is suffering from chronic malnutrition compounded by acute dehydration—

Said Dr. Christian M. Hansen, Jr., U.S.P.H.S. doctor servicing at the OEO-funded Tufts Delta Health Center in Mound Bayou, Miss., of a baby he examined. What is more, this month-old child was but one of hundreds of Negro children found already by the health center grotesque in shape, permanently stunted, and damaged in growth, due to lack of adequate food. This child was receiving only one-fifth the milk he should have had. And according to the pastor of the Catholic church of the area:

> There is widespread malnutrition, especially among the children.

The findings at the Tufts center in the last few months simply confirm and reinforce the findings reported by the board of physicians that visited Mississippi and reported to the Senate Subcommittee on Employment, Manpower, and Poverty last summer. The findings are always the same:

Infant mortality rates much higher for Negro children than for white. For Negroes in the northern half of Bolivar County, the rate is three times that of whites. The cause: acute, persistent malnutrition.

Severe anemias. Thirty cases of iron deficiency anemia had already been found by March, just the beginning of the numbers of children suffering from a condition that leads to chronic fatigue and possibly brain damage.

Widespread malnutrition, especially among the children, with attendant long-term and immediate damage to the brain, to muscles, bones, skin, and to general growth and development.

Prevalence of bacteria and parasitic disease: 1,800 of 6,000 Headstart children in one survey were carrying worms in their intestinal tracts.

And this is but a sampling of the population, and a small number of the problems.

The Citizens' Board of Inquiry Into Hunger and Malnutrition in the United States heard the litany of "Hunger, U.S.A.," the litany of physical, social, and psychological damage caused millions in the United States by lack of food, or inadequate nutrition. They heard of anemic children in Massachusetts, in South Carolina, in Kentucky, in Alabama; of anemic and protein and vita-

min-deficient pregnant women in Texas, Kentucky, Louisiana, Alabama, and Tennessee; of retarded growth—low heights and weights—in urban and rural areas; of the most severe protein deficiency diseases on Indian reservations in Arizona and South Carolina, and among migrant children in Florida; of parasitic diseases associated with malnutrition in South Carolina, Florida, Mississippi, Alabama, and on Indian reservations; of nutritional problems among the aged in New York State; of pervasive and persistent malnutrition among migratory farmworkers, Indians, and the urban poor of Boston, Baltimore, Cleveland, and New York City.

The study of the committee exhausted the scant literature of the field. It confirmed the fears and updated the information of those who read the results of the closest approximation to a national study of nutritional status listed by the National Library of Medicine, "The Cooperative Nutritional Status Studies," conducted in the early 1950's by USDA and PHS in four regions of the United States. Even in the period from 1947 to 1952, the western region sample of 69 children, 1,134 adolescents, 41 adults, and 664 older adults showed significant percentages having less than two-thirds the recommended National Research Council dietary standards. Even averaging rich and poor, one-third and more of the teenaged boys and girls were low in calcium, thiamine, and ascorbic acid. And when one group of the poor, Spanish-American boys of New Mexico, were studied, the list expanded to include deficiency in calories and vitamin A as well. Again, even averaging in rich and poor, as the study did, 9 to 17 percent of adults, and 14 to 25 percent of children, consumed less than two-thirds the calories recommended, and after age 50 the percentage of men, more than 20 percent underweight, shot up appreciably.

And these findings were corroborated by the studies in other regions. In the northeast region, a study of 854 males and 950 females in New York, Maine, Rhode Island, West Virginia, New Jersey, and Massachusetts found diets low in vitamin C, calcium, vitamin A, and riboflavin. In the north central region, 1,188 schoolchildren were studied. One-half to two-thirds were eating poor breakfasts, and many got insufficient milk, meat, and eggs. Again, these were overall averages which probably masked much greater problems in the poor segments of the populations of States studied.

We must wait for more current data for the studies to be released this summer by the Public Health Service, and the USDA.

Hunger means different things to different people. To the desperate mother, it is children who "go to bed hungry and get up hungry and do not ever know nothing else in between."

To the horrified physician, it is "evidence of vitamin and mineral deficiencies; unattended bone diseases, secondary to poor food intake, prevalence of bacteria and parasitic disease; and chronic anemias."

To the concerned psychiatrist, it is the urban and rural problem of "the sick, chronically malnourished child:" who "literally grows up to be tired, fearful, anxious, and suspicious," and who takes this with him as he moves from rural into urban poverty.

To every citizen, it is the national disgrace of people living out the "no win" cycle of poverty, hunger, illness, and dependency; the cycle of people sick because they are hungry, skipping medicine to buy food; the specter of millions of Americans too sick and hungry to get the education and the jobs they need to trade dependency for dignity.

Mr. President, as the report by the citizens board of inquiry points out:

Hunger kills: Malnutrition causes lowering of resistance to infection and consequently is a prime cause of infant mortality;

Hunger maims: There is increasing evidence that lack of protein in the diet of youngsters can cause severe and irreversible brain damage; . . . and that it can cause disabilities resulting from inadequate growth;

Hunger sickens: . . . Diseases such as blindness, rickets, scurvy, and pellagra . . . result from deficiencies of a particular nutrient;

Hunger affects us all: The cost of . . . chronic hunger and undernutrition takes many forms; educational, psychological, and social . . . hunger contributes directly to the schisms which threaten our society today.

Mr. President, hunger is a national disgrace. But it is also a curable condition. For among all the complex causes of poverty, hunger is among the easiest to correct.

Just as the citizens' commission helped us see the hunger problem, so too they help us perceive its solution.

The hunger problem is not new to this Nation. For years Federal food and welfare programs have worked to provide needed sustenance to thousands of needy Americans. But while our past record must be acknowledged, present problems must also be addressed. While the food stamp and commodity distribution programs have helped many, they have failed to do the total job.

In 1967, food programs reached only about 18 percent of the poor. As the citizens' inquiry points out:

We cannot assume that any of the remaining poor . . . are getting enough food.

The reasons are many;

Food stamps cost too much.

Food distributed through the commodity distribution program is insufficient, and too small a variety of foods is available;

There are not enough consumer services associated with the programs; women who need to know most about food purchase and preparation often know the least; and

There is inadequate communication between those who are recipients of food and those who administer the programs, and the system lacks either consultation or appeals mechanisms.

Mr. President, the bill I introduce today would remedy these defects. It would remove this blight from our countryside. While this legislation preserves and continues the best feature of the Food Stamp Act of 1964, it is intended to be, and is, a complete legislative overhaul of the Food Stamp Act and other domestic feeding legislation. Its purpose is to assure that no person in this land of riches and plenty need starve or suffer malnutrition because of insufficient income.

Its main provisions are—

Free food stamps to those under the poverty level or whose income prevents them from attaining a fully adequate and nutritious diet;

Establishment of a task force on hunger, composed of commercial enterprises in the food and grocery business to bring the power and imagination of the private sector to bear on the hunger problem, following the pattern of the urban coalition;

Provision for new food stamp programs and direct food distribution programs to exist side by side;

Provision for nonprofit and charitable agencies, any capable agency of Federal, State, or local government, in addition to commercial enterprises, to run programs to feed eligible households;

Requirement that nutrition counseling and home economic services be provided food recipients;

Eligibility upon applicant affidavit, with no onerous redtape;

Changes in emphasis of standards from normal food expenditures to enough food for an adequate and nutritious diet;

Requirement and authorization for distribution by Federal Government of all commodities, whether or not in surplus, to supplement the food stamp program;

Involvement and self-help by the poor, through formation of cooperatives of low-income consumers, local advisory committees, and a National Food Assistance Commission.

While this bill no doubt will be referred to the Senate Agriculture Committee, I intend to work closely with other members of the Senate to insure that this bill or some closely parallel version receives active consideration in hearings beginning May 23 in the Senate Labor and Public Welfare Committee. Senator McGovern and I are sponsors with many other colleagues of a resolution to establish a select committee to explore thoroughly our reaction to this most grave problem. Whatever course of action is taken by the Senate and whatever bills are considered, I intend to urge the strongest and most comprehensive approach possible. It is much too serious and much too urgent a problem to be treated otherwise.

This bill does not establish a monetary standard for the amount of food stamps, since this will necessarily vary according to circumstances, but relies on the standards of a "fully adequate and nutritious diet." While this is true, however, it is difficult to see how it could go below $90 a month for a family of four or the equivalent, which the USDA determines is a minimum needed to assure a nutritious diet.

I ask unanimous consent that a summary entitled "Hunger, U.S.A.," be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the Record.

The bill (S. 3507) to repeal the Food Stamp Act of 1964 and enact in lieu thereof the Domestic Food Assistance Act of 1968, introduced by Mr. Mondale

(for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The summary, presented by Mr. MONDALE, is as follows:

HUNGER, U.S.A.—A SUMMARY

INTRODUCTION

In issuing this report, we find ourselves somewhat startled by our own findings, for we too had been lulled into the comforting belief that at least the extremes of privation had been eliminated in the process of becoming the world's wealthiest nation. Even the most concerned, aware, and informed of us were not prepared to take issue with the presumption stated by Michael Harrington on the opening page of his classic, *The Other America:* "to be sure, the other America is not impoverished in the same sense as those poor nations where millions cling to hunger as a defense against starvation. This country has escaped such extremes." But starting from this premise, we found ourselves compelled to conclude that America has not escaped such extremes. For it became increasingly difficult, and eventualy impossible, to reconcile our preconceptions with statements we heard everywhere we went:

That substantial numbers of new-born, who survive the hazards of birth and live through the first month, die between the second month and their second birthday from causes which can be traced directly and primarily to malnutrition.

That protein deprivation between the ages of six months and a year and one-half causes permanent and irreversible brain damage to some young infants.

That nutritional anemia, stemming primarily from protein deficiency and iron deficiency, was commonly found in percentages ranging from 30 to 70 percent among children from poverty backgrounds.

That teachers report children who come to school without breakfast, who are too hungry to learn, and in such pain that they must be taken home or sent to the school nurse.

That mother after mother in region after region reported that the cupboard was bare, sometimes at the beginning and throughout the month, sometimes only the last week of the month.

That doctors personally testified to seeing case after case of premature death, infant deaths, and vulnerability to secondary infection, all of which were attributable to or indicative of malnutrition.

That in some communities people band together to share the little food they have, living from hand to mouth.

That aged living alone, subsist on liquid foods that provide inadequate sustenance.

We also found ourselves surrounded by myths which were all too easy to believe because they are so comforting. We number among these:

Myth: The really poor and needy have access to adequate surplus commodities and food stamps if they are in danger of starving.

Fact: Only 5.4 million of the more than 29 million poor participate in these two government food programs, and the majority of those participating are not the poorest of the poor.

Myth: Progress is being made as a result of massive federal efforts in which multimillion dollar food programs take care of more people now than ever before.

Fact: Participation in government food programs has dropped 1.4 million in the last six years. Malnutrition among the poor has risen sharply over the past decade.

Myth: Hunger and starvation must be restricted to terrible places of need, such as Mississippi, which will not institute programs to take adequate care of its people.

Fact: Mississippi makes more extensive use of the two federal food programs than any state in the United States.

In addition to the hearings, the site visits, the personal interviews, the anecdotal stories, we learned from government officials, statistics, studies, and reports, that where, by accident or otherwise, someone looked for malnutrition, he found it—to an extent and degree of severity previously unsuspected.

To the best of our knowledge, we have collected the studies and information compiled by all who have gone before us and have supplemented it with the best evidence that our own direct efforts could uncover. At best, we can make an educated guess as to the order of magnitude of the problem. But the chief contribution we can make does not rest with engaging in a numbers game.

It lies elsewhere—with the reversal of presumption. Prior to our efforts, the presumption was against hunger, against malnutrition; now the presumption has shifted. The burden of proof has shifted. It rests with those who would deny the following words of one of our members, "there is sufficient evidence to indict" on the following charges:

1. Hunger and malnutrition exist in this country, affecting millions of our fellow Americans and increasing in severity and extent from year to year.

2. Hunger and malnutrition take their toll in this country in the form of infant deaths, organic brain damage, retarded growth and learning rates, increased vulnerability to disease, withdrawal, apathy, alienation, frustration and violence.

3. There is a shocking absence of knowledge in this country about the extent and severity of malnutrition—a lack of information and action which stands in marked contrast to our recorded knowledge in other countries.

4. Federal efforts aimed at securing adequate nutrition for the needy have failed to reach a significant portion of the poor and to help those it did reach in any substantial and satisfactory degree.

5. The failure of federal efforts to feed the poor cannot be divorced from our nation's agricultural policy, the congressional committees that dictate that policy and the Department of Agriculture that implements it; for hunger and malnutrition in a country of abundance must be seen as consequences of a political and economic system that spends billions to remove food from the market, to limit productions, to retire land from production, to guarantee and sustain profits for the producer.

Perhaps more surprising and shocking is the extent to which it now rests within our power substantially to alleviate hunger and malnutrition. While new programs are needed, and new legislation is desired and urged, there are now reserves of power, of money, of discretionary authority and of technical know-how which could make substantial inroads on the worst of the conditions we have uncovered—and this could be commenced not next year or next month—but today.

CHAPTER I. THE MISSISSIPPI STORY: A CASE HISTORY IN BUREAUCRATIC NON-RESPONSE

This chapter sets forth the events which triggered national awareness of the existence of hunger and malnutrition in Mississippi, the Congressional and administrative concern generated by these disclosures. It documents the ineffectiveness of the so-called massive federal efforts substantially to alleviate the problem to date.

CHAPTER II. DOCUMENTING THE EXTENT OF HUNGER AND MALNUTRITION IN THE UNITED STATES

Scope of the problem

The Board found concrete evidence of chronic hunger and malnutrition in every part of the United States, as a result either of field trips or hearings or upon a review of all available studies evaluating the nutritional status of the poor.

These conditions are not confined to Mississippi. In America, the number of victims of chronic hunger and malnutrition appears to reach well into the millions—and the situation is worsening.

Those conditions, directly documented or corroborated by the Board include:

A high incidence of anemia among poor infants and children—urban and rural—white and non-white. Among the young, anemia can have serious and lasting medical and emotional effects.

Evidence of retarded growth (abnormally low in heights and weights) attributable to malnutrition in both urban and rural poverty areas.

Conditions of severe protein deficiency, which in early childhood, may cause permament brain damage.

A prevalence of nutritional deficiencies and anemia among pregnant women in poverty.

A high incidence of parasitic diseases associated with malnutrition on field visits to South Carolina, Florida, Mississippi, Alabama and Indian reservations.

Order of magnitude and probable pattern of distribution

The Board recognizes that no definitive estimate can now be made regarding the number of people suffering from hunger and malnutrition in the United States. Nonetheless, the Board presents evidence which supports its tentative estimate:

"It is possible to assert, with a high degree of probability that we face a problem which, conservatively estimated, affects 10 million Americans and in all likelihood a substantially higher number."

Moreover, it is possible to identify those areas where the incidence of hunger and malnutrition is likely to be extremely high. Where income is low, where postneonatal (one month to one year) mortality rates are high, and where participation in welfare and food assistance programs is low or nonexistent, the Board suggests that hunger and malnutrition are prevalent. On this basis, the Board has identified 256 hunger counties requiring immediate and emergency attention.

CHAPTER III. THE DIFFICULTY OF DOCUMENTING HUNGER AND MALNUTRITION IN THE UNITED STATES

The Board of Inquiry was startled by the absence of knowledge, research, experimentation, affirmative action—and even concern about the existence of hunger and malnutrition in the Untied States. In seeking to learn why so little information was available, the Board turned to those sectors of society which seemed to possess the responsibility for documenting the nutritional status of the American people: the health professions, public health authorities, private charitable organizations, and the private food sector. The Board concludes that each of these sectors have failed to fulfill its responsibility, has allowed hunger to go, not merely unchecked, but also unidentified. As a result, the Board recognizes that—

"If this report is marred by any single element, it is the anomaly of asserting that a phenomenon exists, and that it is widespread, without being able to ascertain its exact magnitude or severity because no one ever believed it existed."

The health professions

The board presents evidence that—

The extent of recorded medical knowledge about dietary intake and malnutrition among the poor in the United States consists of about 30 studies, which—with a few exceptions—have been limited in scope and limited in methodology to the most easily determined manifestations of malnutrition.

Medical schools do not train students to recognize malnutrition.

Most hospitals do not keep systematic records or perform tests necessary to ascertain the presence of malnutrition.

The lack of data is used as the basis for

inability to move quickly toward solutions, and some professionals have turned lack of data into confirmation that malnutrition does not constitute a serious or pervasive problem.

Public officials

Among public officials, where the responsibility is clearcut, the Board found a shocking lack of information or action:

The Public Health Service has no knowledge of the extent of malnutrition in the United States, although it concedes that a serious problem exists.

The Department of Agriculture has conducted extensive studies to learn how much money is spent on food, and which foods are most popular among Americans at large. At the same time, its knowledge of nutrient deficiencies of the poor is scant, superficial, and unsatisfactory.

Other federal agencies have not added, significantly, to the collective knowledge of the federal government about hunger and malnutrition.

Dieticians and nutrition experts, public and private, on the state as well as the federal level, have not become familiar with the dietary and nutritional needs of the poor.

Private charitable organizations

In a survey of over 100 charitable organizations across the nation, the Board of Inquiry learned that in contrast to the extensive overseas feeding programs of organizations such as CARE, the immediate and severe problems of hunger in the United States have been addressed by the private sector in only a limited fashion.

The private food sector

The Board of Inquiry asked 75 food manufacturing companies: (a) what steps were being taken to determine the number of people now being excluded from the domestic food market because of low income and (b) what remedial efforts they were engaged in. Of 35 companies responding, the Board learned that there has been little activity in the private sector in determining the food needs of the poor.

This inactivity on the domestic front contrasts markedly with the situation abroad. A major contribution of the private sector in helping needy populations in poor and developing countries has been the development of new and fortified foods, which by themselves, provide many of the nutrients for a nutritionally adequate diet.

When certain barriers to acceptance of these foods are recognized, when taste, appearance, ease of preparation, adequate delivery systems are considered, and finally when an appeal is made to the nutritional advantages of a food rather than its special utility to the poor, the likelihood of acceptance is significantly increased. With these qualifications, the Board of Inquiry makes recognition of the valuable role that fortified foods can play in alleviating hunger and malnutrition in the United States.

CHAPTER IV. ANALYSIS OF FEDERAL FOOD AND WELFARE PROGRAMS

The Board has examined in depth the three chief programs designed to alleviate hunger and malnutrition: The Commodity Distribution Program; the Food Stamp Program; the Welfare Program. And it has taken a brief look at consumer education efforts and the school lunch program an consumer education programs as ancillary programs to combat hunger and malnutrition.

We are forced to conclude that these programs do not do the job.

These programs clearly have failed—but responsibility for this failure cannot be laid merely to lack of money or staff. Much of the responsibility for the failure of these programs rests with the mode of administration adopted, the discretionary decisions made, and the failure to use the full statutory power available to fulfill the purpose of these programs.

Commodity distribution program

Under this program, the Department distributes surplus commodities to needy families. These foods are called basic commodities and are provided in the form of cornmeal, corn grits, flour, non-fat dry milk, peanut butter, rice and rolled wheat. These are the foods that the commodity recipient can count on receiving each month—albeit with some variations in amount and variety.

The government, however, has available special additional money to buy and distribute free any other kind of food—orange juice, turkeys, beef, vegetables. It has the power to distribute such foods to the hungry.

This "Section 32" money (Section 32, P.L. 320, 74th Congress) designed to keep the farmer's prices high and to provide food for those in need, is not part of the President's budget. The Congress does not have to appropriate it. It comes directly and automatically to the Secretary. Last year, it added up to $700 million. Of that $700 million, some $500 million was either returned to the Treasury or carried forward into the 1968 fiscal year. Less than $150 million was used in connection with commodity or food distribution programs.

The Board of Inquiry found that 300 of the poorest counties in the United States have no food assistance of any kind. Local officials in many of these poor counties have refused to apply for federal food assistance, because of unwillingness to extend help to Negroes, who constitute the overwhelming majority of the poor in counties without food assistance.

The Department of Agriculture has the power to start food assistance programs where need is evident. Yet, until April 1968, the Department consistently declined to exercise its power to institute commodity distribution programs where local officials had refused to apply.

In counties where commodities are distributed, they seldom reach even a majority of the poor population. Some people are declared ineligible because their income is too high, although substantially below the poverty line. Some people are discouraged from participating because the distribution depots where they must go to obtain commodities are too far away, and the commodities received are difficult to transport.

The commodity distribution program does not supply enough food for the month. Food runs out, people go days without food. Moreover, the variety of foods distributed is not adequate to meet minimum nutritional requirements, despite the recognized fact that most of the three million participants must look to the commodity distribution program for their total food supply.

As the Board points out, the USDA does not meet its own standards for minimum nutrition:

"Each month the USDA distributes to a family of four commodities with a total retail value of slightly over $20. The USDA has determined, however, that a family of four should spend over $90 per month—on a variety of foods—in order to obtain a nutritious diet.

"Each month the USDA distributes less than 100 pounds of food to a family of four, a total of 23.38 pounds of food per person. The USDA recommends however, that to obtain an adequate diet, a family of four should have 308 pounds of a variety of nutritious foods. This figure excludes milk and eggs.

"The USDA recommends 50 pounds of meat, poultry or fish per month for a family of four. It distributes less than eight pounds to a family of four on commodities.

"The USDA suggests 176 pounds of fruits and vegetables. The family on commodities receives less than five pounds a month."

The Board of Inquiry concludes that the commodity distribution program is a failure. While they do not feel that changes will make the program successful in the long run, they make proposals for administrative reform which, within the framework of existing legislative authority, would benefit the hungry and malnourished substantially. (See page 56).

Food stamp program

The food stamp program, in theory, was to correct the deficiencies of the commodity program. It was to let the poor choose their own foods. The bonus coupons they bought with their normal food dollars would multiply their food purchasing power at local stores. Eligible families would buy the food stamps at rates set by the Secretary of Agriculture. The law requires that such prices be set at a rate equivalent to the "normal expenditure" for food. The Secretary decided to set stamp prices by determining average expenditures for families of different size and income.

Averaging the food expenditures of the poverty population proved administratively expedient to the USDA, but became a nightmare for the hungry. Families who had literally no income were averaged in with lowest income families and expected to pay rates based on averages with money that did not exist. In areas where the commodity distribution program was being scrapped in favor of food stamps, the no-income family found itself whipsawed between a program that had distributed food free and a new program that assumed that the family had paid for its food. When the switchover occurred, participation dropped radically. For once, America became aware of its hungry.

This awareness led to piecemeal efforts at improvement. These efforts in turn uncovered other inadequacies in the planning and administration of the food stamp program. The lowering of the minimum food stamp charges pointed up the inequity of the prices at "higher" income levels. Every time the income of a family of four rises by 10 dollars, six of those dollars must go toward food stamps. The schedule of charges set up by the USDA suffers from certain internal inconsistencies and operates to discourage participation.

Consider the following:

Assumption: That all families with a given number of members and a given income normally spend the same amount of money on food. This is the assumption underlying the use of surveys to determine what are "normal expenditures."

Fact: The USDA concedes that a primary problem in poor families is that there is no plan for spending money, hence, there is no "normal" amount of money spent each month on food. Bills, fixed expenses, and poor consumer practices devour income the day it dribbles in, so that there can be no amount specifically allocated for food expenditures. No steady dollar-and-cents pattern to the expenditures of poor people has yet been established.

Assumption: A family in poverty normally pays a constant amount of money for food from month to month. This justifies the requirement that participants spend a fixed sum on stamps each month or be ineligible for further assistance.

Fact: Food expenditures may double—or be cut in half—from month to month depending upon emergencies, pressing bills—and on income which may vary from month to month or season to season.

Assumption: That as a family's income increases, the percent of income spent on food increases. Food stamp prices are set so that, at the lowest levels a sharp rise in stamp prices accompanies a modest rise in income. This assumption appears to be coupled with the further assumption that the lowest income families spend for food first and pay their bills last.

Fact: At low levels of family income, food expenditures give way to fixed expenses. Items like rent, utilities, and overdue bills come first. What is left is what is spent for food. And this pattern does not change as income

increases (until one is substantially above the poverty line).

The requirement that the poor lay out the cash for stamps all in one lump sum—and that they purchase the minimum amount or none at all—has worked considerable hardship. And once a person chooses to participate, he must continue to do so at the same level every month or he will be disqualified and required to apply all over again for eligibility.

A further inadequacy of the program is its unwillingness to provide even its participants with an adequate diet. By the Department of Agriculture's own standards, the money value of stamps falls consistently and deliberately below the amount necessary to secure a minimally adequate diet. Nutritional studies indicate that those participating in food stamps in fact are only slightly better off nutritionally than non-participants.

The county option system which has thwarted use of the commodity distribution program in many counties has been at least as great an obstacle to instituting the food stamp plan. The Secretary of Agriculture denies that he has the power to distribute food stamps in counties which refuse to apply. Yet section 14(a) of the Food Stamp Act expressly gives him that power.

After presenting this and other evidence, the Board of Inquiry concludes that the food stamp program has failed to fulfill its promise, and proposes a number of steps for administrative reform. (See pages 66–67.)

School lunch program

Despite its potential for directly alleviating hunger and malnutrition among the children of the poor, the school lunch program has to date proved unsuccessful. At most, one-third of poverty stricken children attending public schools participate. Although Congress expressly provided in the National School Lunch Act that poor children shall be served without cost or at a reduced cost, a majority of poor children are forced to pay the full price for school lunch or go without. The school lunch program in fact, operates for the benefit of the middle class.

Consumer education programs

Education in the advantages of budget, planning, bargain shopping and food selection has been held out as a solution of the malnutrition problem.

If education is the answer, the Board finds that little of it exists. In addition, limited evidence would appear to indicate that the poor use their food dollar well and that they need greater purchasing power, more than education on how to use that purchasing power.

Much of the need for education, budgeting knowledge, sophistication and skills stems from policies and procedures which make programs complex and directly decrease their utility to the poor. The call for education sometimes masks a shifting of responsibility for the defects of a program from the administrators, who have made the program complex, to the poor, who cannot cope wtih that complexity and red tape.

The role of public assistance programs in feeding the poor

The ability to eat adequately in the final analysis depends upon money. The poor do not have enough money to buy the food they need, despite the myth of massive federal handouts. Three out of every four Americans who live below the poverty level receive no help from federal public assistance programs whatsoever.

Some of those who do not receive federal assistance receive "general assistance" from the state and local government. But "general assistance" is miniscule in scale—amounting to less than six percent of federal expenditures under public assistance programs.

Most states administering federal welfare monies do not pay the minimal amount necessary for subsistence as estimated either by their own standards or by the federal government's standards. Actual payments consistently fall below the level to which families are entitled by law.

Consequently, the Board of Inquiry finds those who do participate in federal public assistance programs do not get enough money to secure a nutritionally adequate diet. In fact, welfare recipients who receive the highest level of payment in the nation have been found to suffer from inadequate diet.

Thus to live on welfare is to be virtually certain of inadequate nutrition. But three-fourths of the poor do not even get welfare. There are four distinct causes for this lack of participation.

1. The categories of federal assistance are a limitation on eligibility.

2. The state exercises its power to restrict participation in federal public assistance programs. The states can simply decline to participate in federal programs, or they can restrict the number of participants by imposing additional eligibility requirements.

3. The mode of administration on the state and local level restricts participation.

4. The Department of Health, Education and Welfare consistently declines to re-examine state plans for conformity to federal law, court decisions and affirmative constitutional requirements.

CHAPTER V. AGRICULTURAL POLICY

Responsibility for the design, enactment and administration of food assistance programs—both domestic and international—has traditionally been vested in those groups and individuals in government concerned with protection of the producers of food. Such a policy converts programs to feed the poor into disposal systems to relieve market gluts and protect profits.

The central focus of agricultural policy has shifted over the years from the small producer, the family farmer, to the large producer, the commercial and corporate farmer.

In 1967 alone, for example, nine large landowners received a total of over $14 million from one or a combination of farm programs designed, as the Department of Agriculture puts it, "to encourage, promote and strengthen the family farm".

Judged by the allocation of payments to farmers in 1967, this purpose has not been achieved. Some 42.7 percent of farmers—the classically small family farmers—with gross income of less than $2,500 received 4.5 percent of total farm payments from the government while the top 10 percent of farmers—the large, diversified, and in many cases corporate landowners—each with more than $20,000 gross income received 54.5 percent of total farm payments.

The large scale producer, as a result, is well protected.

At the same time the interests that dominate agricultural policy have not supported efforts to feed the hungry. The Board of Inquiry concludes:

1. The composition of the agricultural committees of Congress—which pass upon major food assistance legislation—dictates that inevitably the needs of the poor and hungry will be subordinated to the interests of large agricultural producers.

2. The relationship between these agricultural committees and the Department of Agriculture—which administers all major food assistance legislation—dictates that inevitably the Department's priorities will place the interests of agricultural producers first, the needs of the poor and hungry second.

CHAPTER VI. RECOMMENDATIONS

The Board of Inquiry has made recommendations which call for both immediate action to alleviate the present emergency conditions and for long range programs to eradicate hunger and malnutrition in the United States.

Immediate relief

We call upon the President to—

Declare that a national emergency exists;

Institute emergency food programs within these 256 hunger counties, at migrant farm camps, and, after consultation with tribal councils, on selected Indian reservations; all this to be done as the first earnest effort of a national resolve to dispel hunger;

Use all available statutory authority and funds including that under Section 32, P.L. 320 74th Congress customs receipts; under emergency food and medical appropriations (receipts) for the Office of Economic Opportunity, and under the 1967 Social Security Amendments providing for federal participation to needy families with children in order to assure completely adequate food programs in these counties;

Ask Congress for immediate enactment of such other powers and appropriations as he needs;

Use also in these places the authority and funds provided under the federal food programs, to the extent that doing so will not take funds away from other areas;

Report to the people by September 1968 the numbers of needy people reached in these counties, the numbers yet unreached (if there be any) and the nutritional adequacy of the diets provided for all these programs;

Report, at the same time, plans for longer range programs.

Long-range recommendations

The basic federal food program should be the *free* Food Stamp Program.

Eligibility for food stamps should be keyed to income, dependents, and medical expenses. The formula should bear some negative relationship to the same factors as the federal income tax.

At levels set by law, persons should become eligible for varying quantities of stamps without further investigation.

An eligible person should receive more or fewer stamps depending on need. Since the criterion is need, there would be no reason that the recipient pay anything for the stamps to which he or she is entitled.

We believe that school lunches should be available to every child enrolled in public, private, or parochial schools up to and including the 12th grade, as well as in kindergarten, Headstart or other pre-school centers, nursery schools, and day care centers. The lunches would have to conform to federal nutritional standards.

If it be required that families who can afford to pay for lunches do so, then we suggest consideration of a system of non-transferable lunch stamps which would be the only currency acceptable for federally supplied lunches, which would go to food stamp recipients along with their other stamps and which could be purchased by other parents at the issuing office.

School lunches could appropriately be used for prudent experiments with the palatability and nutritional effectiveness of so-called fortified foods.

Either the Department of Health, Education, and Welfare or the Office of Economic Opportunity should be directed and funded to employ and train a large number of food stamp recipients (perhaps at a ratio of one trainee to every 50 recipients) as nutrition and health care extension workers among the poor.

Until such time as the President is able to report to the country that no households (or only an insignificant number) have diets that fall below the Department of Agriculture's criterion of "good" and that federal assistance is no longer a factor in keeping them at that level, custom receipts under Section 32 should be made available as required to supplement other appropriations for the food needs of the poor.

Medical, graduate, and nursing schools should give much more attention to the diagnosis and treatment of malnutrition,

and to an understanding of its causes and effects.

Finally, we do hope and urge that private organizations concerned with human welfare will address themselves to this most elemental of all of humanity's problems and that each will find within its purposes and resources its own distinctive contribution; and that all these organizations will, as part of their contribution, continuously monitor and evaluate governmental programs. To this end, and as a first step, we shall ourselves distribute our principal findings and our recommendations to groups representative of the nation's poor.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. BENNETT. Mr. President, on February 7, 1968, I introduced Senate Joint Resolution 140 to authorize the President to issue annually proclamations designating the Sunday of each year which occurs immediately preceding February 22 as Freedom Sunday and the calendar week of each year during which February 22 occurs as Freedom Week.

Since the introduction of this joint resolution, a number of my colleagues have expressed an interest in cosponsoring this joint resolution. I therefore ask that when this joint resolution is reprinted that the following Senators be added as cosponsors of this bill: Senator STROM THURMOND, Senator FRANK MOSS, Senator HIRAM FONG, Senator ALAN BIBLE, Senator JACK MILLER, Senator WARREN MAGNUSON, Senator JOHN SPARKMAN, Senator JOHN TOWER, Senator CARL T. CURTIS, Senator SAM ERVIN, Senator VANCE HARTKE, Senator QUENTIN BURDICK, Senator ROMAN HRUSKA, Senator GALE MCGEE, Senator JOSEPH TYDINGS, Senator FRANK LAUSCHE, and Senator EDWARD V. LONG of Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 16, 1968, he presented to the President of the United States the enrolled bill (S. 3033) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

HIGHER EDUCATION AMENDMENTS OF 1968—AMENDMENT

AMENDMENT NO. 795

Mr. WILLIAMS of New Jersey. Mr. President, a new generation of Americans are taking their first steps in higher education. Many of them are the sons and daughters of some 8 million veterans who received similar educations under the World War II GI bill. This law made possible the single largest program of mass adult education ever undertaken at such bargain rates. The $14.5 billion investment on the part of the Federal Government has already been recouped and it is generally estimated that during the life of those veterans who benefited from this law, the return will be better than 3 to 1 with an estimated return of some 45 billion income tax dollars alone. This has certainly been one of the soundest economic investments we have made. One, I dare say, that can be demonstrated to the satisfaction of the most skeptical critics.

Mr. President, the world we live in no longer views a high school education as terminal. It demands continuing education. It pressures our Nation's youth to seek at least 2 years of college in order to survive. It is time we quit congratulating ourselves on the successes of the GI bill. It is time to apply the lessons we say we have learned from that experience to some 6 million students many of whom are presently struggling to finance their continuing education. It is time to give this same opportunity to the millions of others who are less fortunate and cannot absorb the costs of higher education. Next year alone, more than 2.5 million youngsters will finish high school, and only about 50 percent of them will go on to college.

Mr. President, I am tired of the rhetoric about removing the economic barriers that preclude some 60 percent of our college age youth from going to college. I have lost interest in the academic debate of the value of continuing education to the individual and to society. Education is not a private privilege, it is a public responsibility. Today I propose we quit talking about the desirability of providing at least 2 years of tuition-free education on the post high school level and do something about it.

I submit at this time, for appropriate referral, an amendment to S. 3098, the proposed Higher Education Amendments of 1968, which would create a new title, title XIII to provide tuition grants for students of limited income families.

My amendment would grant to each student in substantially full-time attendance for the first two years in an accredited junior college or college, or accredited trade, vocational or technical school a maximum grant of $500 per academic year for tuition and other academic fees if the gross income of the student and family during the preceding tax year is not more than $8,000. The income factor will be adjusted upward to accommodate an increase in dependents.

I recognize that this is far from adequate. But it is a beginning. I am dedicated to education, and feel that the principle of free continuing education is a must for our society. Over a hundred years ago, when the battle for free public schools was being fought, Horace Greeley, in an editorial in the New York Weekly Tribune stated the argument on which I base my proposal today:

> The education of children is a duty of parents when they are able, but it is a duty of the community whether all the parents are able or not. Not for his own sake merely, but for the sake of the whole, should every child be educated. A single ignorant person is a source of evil and peril to the community. That person, properly educated, might have invented something, evolved an idea for want of which the development of the race may be arrested for a whole half of a century.

We are meeting the challenge on the elementary and secondary level. We have matured as a people because of these efforts. I have therefore included a provision in my amendment which would authorize a complete and thorough study of existing proposals and programs all aimed at assisting college students to absorb all or part of their tuition, and other college expenses. When the conclusions of this study are available, we will then be able to build on the concept I have just outlined.

Mr. President, I ask unanimous consent that the text of my amendment appear at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 795) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 795

On page —, line —, insert the following:

At the end of page 118, add the following new title:

"TITLE XIII—TUITION GRANTS FOR STUDENTS OF LIMITED INCOME FAMILIES

"SEC. 1301. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the Secretary), upon application, shall grant to each student in substantially full time attendance for the first two years in an accredited junior college or college, or accredited trade, vocational, or technical school, the full amount of tuition and other academic fees or $500 per academic year, whichever is less, if the gross income of the family of the student, or the student if he or she is self-supporting, during the preceding tax year is not more than $8,000, provided that the Secretary shall adjust the basic $8,000 income limitation to correspond with an increase in the number of dependents in a family. When a student is receiving a tuition grant from other government or private sources which is less than $500 per academic year, the Secretary is authorized to make a tuition grant in the amount of the difference, but in no case shall the combined grants exceed $500 per academic year.

"SEC. 1302. The Secretary may refuse grants for attendance at any institution which raises its tuition or fees in order to benefit from this title.

"SEC. 1303. (a) The Secretary shall, within a calendar year of the enactment of this provision, submit to the Congress a plan, or alternative plans, for providing a minimum of two years of educational opportunity at the post-secondary level. The Secretary shall have the authority to contract for a study to develop such a plan or plans. Such plans shall include, but not be limited to:

"(1) a minimum of two years of educational oportunity at the post-secondary level made available through outright grants to students or to institutions on behalf of every enrolled student;

"(2) various systems of loans to students or to institutions on behalf of enrolled students;

"(3) the use of the income tax such as through credits or deductions, and work-study or cooperative education systems;

"(4) existing programs of public and private financial assistance, including the Veterans Readjustment Benefit Act of 1966, and programs formerly in effect, including the Servicemen's Readjustment Act of 1944 and the Veterans Readjustment Assistance Act of 1952.

"(b) The study shall include, but not be limited to, such factors as:

"(1) the actual or projected cost effectiveness of alternative plans;

"(2) the immediate and the long-run economic impact of alternative plans;

"(3) financial and social implications to individual students participating under alternative plans;

"(4) institutional implications for post-secondary education or training facilities under alternative plans;

"(5) the relative contributions of Federal,

State, and local governments, industry, students, and other sources, to the financing of higher education in the United States.

"SEC. 1304. There are authorized to be appropriated for the fiscal year ending June 30, 1969, the sum of $750,000,000; and for the two succeeding fiscal years such sums as may be necessary to carry out the purposes of this title. In the event that these sums are not sufficient to carry out the purposes of this title, the Secretary will give preference to those students defined in Sec. 1301 with the lowest income."

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENT

AMENDMENT NO. 796

Mr. BROOKE submitted an amendment, intended to be proposed by him, to the amendment No. 715, intended to be proposed by Mr. DIRKSEN, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 797

Mr. LONG of Missouri. Mr. President, I wish to submit another amendment to the bill pending before the Senate, S. 917, the Omnibus Crime Control and Safe Streets Act of 1967, which deals in so many ways with the rights of all American citizens.

This amendment would add a new title VI to the bill, providing a right to counsel for selectees appearing before local Selective Service Boards. I will discuss the need for this amendment at the time it is brought up and ask unanimous consent that the amendment not only be printed up but that it be printed at this point in the RECORD.

I also ask at this time that the RECORD include a statement which I made at a hearing on this subject.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and statement will be printed in the RECORD.

The amendment (No. 797) is as follows:

AMENDMENT NO. 797

At the end of the bill add a new title VIII as follows: "That section 555(b) of title 5, United States Code, is amended by adding the following sentence: 'Notwithstanding the provisions of the Uniform Military Training and Service Act, each individual shall be afforded the opportunity to appear in person, present testimony or other evidence, and be represented by counsel in any proceeding before the local Selective Service board having jurisdiction over him'."

The statement, presented by Mr. LONG of Missouri, is as follows:

OPENING STATEMENT BY SENATOR EDWARD V. LONG, BEFORE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE ON (S. 3303) A BILL TO EXTEND THE RIGHT OF COUNSEL TO THE SELECTIVE SERVICE SYSTEM

This morning, the Senate Subcommittee on Administrative Practice and Procedure begins hearings on S. 3303, a bill to extend the right of counsel to young men appearing before their local draft board. I am pleased to announce that a number of other Senators have joined with me in co-sponsoring this legislation, namely; Senators Ernest Gruening (Alaska); Philip Hart (Michigan); Daniel Brewster (Maryland); Edward Brooke (Massachusetts); Mark Hatfield (Oregon); Edward Kennedy (Massachusetts); Walter Mondale (Minnesota); Frank Moss (Utah); and Ralph Yarborough (Texas).

Before hearing from our witnesses, I would like to read a letter which I recently received from Mr. Ronald A. May, a lawyer fom Little Rock, Arkansas, and a Government Appeal Agent for Local Board No. 60. Mr. May has consented to our making his letter part of the public record:

APRIL 30, 1968.

Re: S. 3303

DEAR SENATOR LONG: I noted today in the American Bar Association Washington Letter that your Subcommittee is considering the above described bill to extend the right of counsel to registrants appearing before their local Selective Service Boards. I am Government Appeal Agent for Local Board No. 60 in Little Rock. Having some familiarity with the Selective Service Law and its administration, I would like to recommend very strongly the passage of this legislation.

As a matter of fact, I think that it does not go far enough. At the present time, the Selective Service Law is monstrously weighted against a registrant who seeks a classification other than I–A. His case is set for a hearing before the Board where he is not entitled to counsel. When he is then classified, the law hypocritically informs him that he may seek the counsel of a Government Appeal Agent. Unfortunately, at that time there is damned little the Government Appeal Agent can do for the registrant. Any appeal he takes is on the basis of the record which was made before the local Board. He is not entitled to be heard by the Appeal Board. If, as usually happens, the Appeal Board turns him down, he does not even have an appeal of right to the President, but can only appeal in certain quite limited circumstances.

There are no provisions for a Court review, and the only way a registrant can test the legality of his classification is to take a chance on going to prison. Certainly the manpower requirements of the Government do not require procedures as ill-conceived as these.

The very notion of a Government Appeal Agent is a mocking one. The Agents are untrained and unpaid. I am not seeking compensation for this job and would, in fact, resign if compensation became available. It seems obvious, however, that a paid attorney is going to do a better job than an unpaid one. I object very much to the casual way in which agents are appointed and the almost complete failure on the part of the Government to inform the agents about this rather technical area of the law. As a matter of fact, one of the few communications I have ever received from the Director of the Selective Service was the insulting suggestion that agents (who are supposed to be lawyers) should inform on their clients.

It has been suggested frequently that Government Appeal Agents cannot be trusted because they, in effect, represent the Government. Personally, I resent such criticism, and I have always done my best to advise and represent the registrants who have consulted me. I must admit, however, that there is some ambiguity in the regulations which require the agents "to be equally diligent in protecting the interests of the Government and the rights of the registrant in all matters."

I feel compelled to conclude this letter by stating as strongly as I can that my criticism of the law is not directed at the administration of the law by the Local Board with which I am associated. That Board is composed of extremely fine individuals who have done a splendid job at considerable personal sacrifice. They have never hesitated to reopen cases at my request and to accommodate me on hearings. The same can be said for all the employees of the Selective Service System with whom I have associated. It is clear to me, however, that they have performed well in spite of the law's gross inadequacy. I will look forward with great interest to the outcome of your Subcommittee's hearings.

Respectfully yours,

RONALD A. MAY.

I, too, look with great interest to these hearings, for I believe we are dealing with a basic constitutional issue—the right of counsel. As I stated when this bill was introduced, "when the young man has been called before his draft board, there is perhaps no greater time when he might need the assistance of counsel. Yet, at that very moment, the regulations of the System itself specifically prohibit such counsel."

Since the creation of this Subcommittee in 1959, we have been concerned with basic problems in administrative law. One of these problems is the right of counsel guaranteed by the Administrative Procedure Act. Section 555(b) of Title 5 of the United States Code (Administrative lawyers know this as Section 6(a) of the old Administrative Procedure Act) guarantees a right of counsel to persons compelled to appear before an agency of the Federal government. The hearing this morning will determine whether this right of counsel should extend to the Selective Service System. The record should be made clear that the legislation is not in support of "doves" or "hawks"; the legislation will not be helping the peaceniks or the draft dodgers. If there is a need for this legislation, it will help all young men when they want to appear before their local draft board.

AMENDMENT OF OCCUPATIONAL HEALTH AND SAFETY BILL TO PROVIDE FOR A STUDY OF WORKMEN'S COMPENSATION—AMENDMENTS

AMENDMENT NO. 798

Mr. JAVITS. Mr. President, I submit an amendment to S. 2864, the occupational health and safety bill. The amendment would provide for the establishment of a broadly based Commission to make a comprehensive study and evaluation of our workmen's compensation laws. I ask that the amendment be appropriately referred and that its text be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 798) was referred to the Committee on Labor and Public Welfare, as follows:

On page 19, after line 21, insert the following new title:

"TITLE II—STUDY AND EVALUATING OF STATE WORKMEN'S COMPENSATION LAWS

"CONGRESSIONAL FINDINGS AND PURPOSE

"SEC. 201. (a). Congress hereby finds and declares that the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event they suffer disability injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation.

"(b) In recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force,

increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

"(c) The purpose of this title is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

"ESTABLISHMENT OF COMMISSION

"SEC. 202. There is hereby established a National Commission on State Workmen's Compensation Laws (hereinafter referred to as the 'Commission').

"MEMBERSHIP

"SEC. 203. (a) The Commission shall be composed of 15 members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary of Labor, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Commission.

"(b) Any vacancy in the Commission shall not affect its powers.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(d) Eight members of the Commission shall constitute a quorum.

"DUTIES OF THE COMMISSION

"SEC. 204 (a) The Commission shall undertake a comprehensive study and evaluation of state's workmen's compensation laws in order to determine if such laws provide an adequate prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (1) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (2) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physicians, (3) the extent of coverage of workers, including exemptions based on numbers or type of employment, (4) standards for determining which injuries or diseases should be deemed compensable, (5) rehabilitation, (6) coverage under second or subsequent injury funds, (7) time limits on filing claims, (8) waiting periods, (9) compulsory or elective coverage, (10) administration, (11) legal expenses, (12) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (13) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (14) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (15) the relationship between workmen's compensation on the one hand, and old age, disability and survivors insurance and other types of insurance, public or private, on the other hand, (16) methods of implementing the recommendations of the Commission.

"(b) The Commission shall transmit to the President and to the Congress not later than one year after the first meeting of the Commission a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

"POWERS OF THE COMMISSION

"SEC. 205. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

"(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

"(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

"(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $50 a day for individuals.

"(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"COMPENSATION OF MEMBERS

"SEC. 206. Members of the Commission shall receive compensation at the rate of $——— per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

"APPROPRIATIONS AUTHORIZED

"SEC. 207. There are hereby authorized to be appropriated such sums as may be necessary, not to exceed a total of $——— to carry out the provisions of this title.

"TERMINATION

"SEC. 208. On the nineteenth day after the date of submission of its final report to the President, the Commission shall cease to exist."

On page 1, between lines 2 and 3, insert the following:

"TITLE I—OCCUPATIONAL SAFETY AND HEALTH."

On page 1, line 3, strike out "That this Act" and insert in lieu thereof "Section 101. This title".

On page 1, line 6, strike out "SEC. 2." and insert in lieu thereof "SEC. 102.".

On page 3, line 12, strike out "Act" and insert in lieu thereof "title".

On page 3, line 17, strike out "Act" and insert in lieu thereof "title".

On page 3, line 19, strike out "SEC. 3." and insert in lieu thereof "SEC. 103.".

On page 4, line 7, strike out "SEC. 4." and insert in lieu thereof "SEC. 104.".

On page 4, line 8, strike out "Act" and insert in lieu thereof "title".

On page 5, line 5, strike out "SEC. 5." and insert in lieu thereof "SEC. 105.".

On page 5, line 6, strike out "Act" and insert in lieu thereof "title".

On page 5, line 12, strike out "Act" and insert in lieu thereof "title".

On page 5, line 19, strike out "Act" and insert in lieu thereof "title".

On page 5, line 21, strike out "Act" and insert in lieu thereof "title".

On page 6, line 4, strike out "SEC. 6." and insert in lieu thereof "SEC. 106.".

On page 6, line 6, strike out "Act" and insert in lieu thereof "title".

On page 6, line 10, strike out "the Act" and insert in lieu thereof "this title".

On page 7, lines 7 and 8, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 7, line 10, strike out "Act" and insert in lieu thereof "title".

On page 7, line 16, strike out "Act" and insert in lieu thereof "title".

On page 7, line 20, strike out "SEC. 7." and insert in lieu thereof "SEC. 107.".

On page 7, lines 22 and 23, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 8, line 14, strike out "section 6 of this Act" and insert in lieu thereof "section 106 of this title".

On page 8, line 19, strike out "SEC. 8." and insert in lieu thereof "SEC. 108.".

On page 8, line 20, strike out "Act" and insert in lieu thereof "title".

On page 8, line 23, strike out "Act" and insert in lieu thereof "title".

On page 9, line 2, strike out "Act" and insert in lieu thereof "title".

On page 9, line 3, strike out "Act" and insert in lieu thereof "title".

On page 9, line 7, strike out "SEC. 9." and insert in lieu thereof "SEC. 109.".

On page 9, lines 8 and 9, strike out "section 3(a) of this Act" in both instances and insert in lieu thereof "section 103(a) of this title", respectively.

On page 9, line 10, strike out "section 6 of this Act" and insert in lieu thereof "section 106 of this title".

On page 10, line 1, strike out "section 6 (a)(2)" and insert in lieu thereof "section 106(a)(2)".

On page 10, lines 4 and 5, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 10, line 16, strike out "Act" and insert in lieu thereof "title".

On page 10, line 23, strike out "Act" and insert in lieu thereof "title".

On page 11, line 2, strike out "SEC. 10." and insert in lieu thereof "SEC. 110.".

On page 11, lines 13 and 14, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 11, lines 15 and 16, strike out "section 3(a) of this Act" and insert in lieu thereof "section 103(a) of this title".

On page 11, line 20, strike out "Act" and insert in lieu thereof "title".

On page 11, line 21, strike out "Act" and insert in lieu thereof "title".

On page 11, line 24, strike out "Act" and insert in lieu thereof "title".

On page 12, line 2, strike out "Act" and insert in lieu thereof "title".

On page 12, line 4, strike out "Act" and insert in lieu thereof "title".

On page 12, line 9, strike out "section 6 of this Act" and insert in lieu thereof "section 106 of this title".

On page 12, line 16, strike out "section 20 (f) of this Act" and insert in lieu thereof "section 121(f) of this title".

On page 12, line 18, strike out "SEC. 11." and insert in lieu thereof "SEC. 111.".

On page 12, line 21, strike out "Act" and insert in lieu thereof "title".

On page 13, line 4, strike out "SEC. 12." and insert in lieu thereof "SEC. 112.".

On page 13, line 9, strike out "Act" and insert in lieu thereof "title".

On page 13, line 10, strike out "Act" and insert in lieu thereof "title".

On page 13, line 13, strike out "Act" and insert in lieu thereof "title".

On page 13, line 18, strike out "SEC. 13. Nothing in this Act" and insert in lieu thereof "SEC. 113. Nothing in this title".

On page 14, line 2, strike out "SEC. 14." and insert in lieu thereof "SEC. 114.".

On page 14, line 3, strike out "Act' and insert in lieu thereof "title.".

On page 14, line 5, strike out "SEC. 15." and insert in lieu there of "SEC. 115.".

On page 14, line 16, strike out "Act" and insert in lieu thereof "title".

On page 14, lines 22 and 23, strike out "section 5 of this Act" and insert in lieu thereof "section 105 of this title".

On page 15, line 6, strike out "section 3 of this Act" and insert in lieu thereof "section 103 of this title".

On page 15, line 14, strike out "Act" and insert in lieu thereof "title".

On page 15, between lines 14 and 15, insert the following:

"EDUCATION AND TRAINING PROGRAMS".

On page 15, line 15, strike out "SEC. 16." and insert in lieu thereof "SEC. 116.".

On page 15, line 20, strike out "Act" and insert in lieu thereof "title".

On page 15, line 24, strike out "Act" and insert in lieu thereof "title".

On page 16, line 2, strike out "SEC. 17." and insert in lieu thereof "SEC. 117.".

On page 17, line 20, strike out "SEC. 18. Nothing in this Act" and insert in lieu thereof "SEC. 118. Nothing in this title".

On page 17, line 24, strike out "SEC. 19." and insert in lieu thereof "SEC. 119.".

On page 18, line 3, strike out "Act" and insert in lieu thereof "title".

On page 18, line 5, strike out "SEC. 20." and insert in lieu thereof "SEC. 120.".

On page 18, line 10, strike out "Act" and insert in lieu thereof "title".

On page 18, lines 16 and 17, strike out "SEC. 21. (a) The term 'Secretary' appearing in this Act" and insert in lieu thereof the following:

"SEC. 121. As used in this title—

"(a) The term 'Secretary' ".

Mr. JAVITS. Mr. President, the administration's measure, S. 2864, is confined to improving occupational health and safety in America. Any comprehensive safety and health program cannot, however, focus on prevention alone, as S. 2864 does; it should also deal with the problem of workmen's compensation for the victims of occupational injury and disease for it is obvious that, regardless of efforts made to improve job safety and health, job-related deaths, injuries, and diseases will continue to occur.

It is to meet this deficiency in the administration bill that I am introducing today, an amendment to establish a Commission to study and evaluate our workmen's compensation laws.

The Commission I propose would be composed of 15 members, to be appointed by the President from a broad spectrum of interests, including State workmen's compensation boards, representatives of insurance carriers, business, labor, and educators having special expertise in the field of workmen's compensation, as well as representatives of the general public. The Secretaries of Labor, Commerce, and Health, Education, and Welfare would be ex officio members. The Commission would have 1 year to file its report.

The Commission would be charged with the duty of undertaking a comprehensive study and evaluation of State workmen's compensation laws in order to determine if they provide an adequate, prompt, and equitable system of compensation. Its attention would be specifically directed to a number of subjects, among the more important of which would be the amount and duration of medical and disability benefits, provisions insuring adequate medical care and free choice of physicians, coverage, standards for determining compensability, rehabilitation, the advisability of a uniform reporting system, extraterritoriality problems, and the relationship between workmen's compensation and OASDI or other public or private insurance. Finally, the Commission would be directed to consider the possible methods of implementing its own recommendations.

Mr. President, the need for the type of comprehensive review and evaluation which the Commission would undertake should be apparent to anyone with even a cursory knowledge of workmen's compensation today. The fact is that although a few States like my own State of New York do have adequate workmen's compensation laws, in most States workmen's compensation is, in at least some respects, shockingly inadequate.

Workmen's compensation laws were devised to assure that benefits would be paid to workers injured on the job and that they would be paid promptly, with a minimum of legal formality, and without the necessity of fixing the blame for the injury. The fundamental premise of workmen's compensation laws is that the cost of work-related injuries is to be considered part of the cost of production. Workmen's compensation laws were and are a modern industrial democracy's answer to the obstacles, such as the fellow servant and assumption of risk rules, established by the common law to bar recovery by injured workers from their employers. In return for the elimination of the doubtful, but potentially unlimited, liability of an employer under the common law, workmen's compensation laws substituted the limited, but sure, remedy of compensation in the form of medical and disability benefits.

The original intent of workmen's compensation laws was to strike a fair balance between the legitimate claims of injured employees and the potential liability of employers. There is, however, grave doubt that this balance is being struck fairly today. Workmen's compensation laws simply have not kept pace with the development of the economy. The system, as it is operating today, simply does not meet contemporary needs, and it is high time that a careful review and analysis be made of the way the current system is operating, and of possible methods of improving it.

I recognize that the charge I have made today is a most serious one. However, my doubts as to the adequacy of the present workman's compensation system are based on objective yardsticks. These are available in the form of the standards for workmen's compensation laws which have been developed in recent years by the Department of Labor, the Council of State Governments, and the International Association of Industrial Accident Boards and Commissions. The minimum standards developed by these highly respected agencies are in many respects quite similar.

An analysis of Bulletin No. 212 issued by the Department of Labor, as revised up to 1967, which compares the major provisions of State workmen's compensation with the standards recommended by the Federal Bureau of Labor Standards, shows a compliance ratio of only about 45 percent. I ask unanimous consent that a table showing the precise extent of compliance with the Labor Department's recommended standards be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXTENT OF PROTECTION UNDER WORKMEN'S COMPENSATION LAWS

[X=Law meets the recommended standard. --=Law does not meet standard]

	Compulsory law	No numerical exemption	Farm employment covered	Full coverage of occupational diseases	Rehabilitation division within workmen's compensation agency	Maintenance benefits during rehabilitation	Full medical care for accidental injuries	Full medical care for occupational diseases	Workmen's compensation agency has authority to supervise medical aid	Initial choice of physician by the injured worker	Broad subsequent injury fund	Adequate time for filing occupational disease claims	Waiting period for not more than 3 days with retroactive benefits after 2 weeks	Death benefits to widow until her death or remarriage	Compensation for permanent total disability for life or period of disability	Compensation for temporary total disability not less than 66⅔ percent of average wages	Total standards met
Alabama	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Alaska	X	X	X	X	X	X	X	X	X	X	X	X	--	X	X	--	13
Arizona	X	--	--	--	--	X	X	--	X	X	X	--	--	X	X	X	9
Arkansas	X	--	--	X	--	X	X	--	--	--	--	--	--	--	--	--	4
California	X	X	X	X	X	--	X	X	X	--	X	X	--	--	X	--	11
Colorado	--	--	--	--	--	--	--	--	--	--	--	--	--	--	X	--	1

EXTENT OF PROTECTION UNDER WORKMEN'S COMPENSATION LAWS—Continued

[X=Law meets the recommended standard. --=Law does not meet standard]

	Compulsory law	No numerical exemption	Farm employment covered	Full coverage of occupational diseases	Rehabilitation division within workmen's compensation agency	Maintenance benefits during rehabilitation	Full medical care for accidental injuries	Full medical care for occupational diseases	Workmen's compensation agency has authority to supervise medical aid	Initial choice of physician by the injured worker	Broad subsequent injury fund	Adequate time for filing occupational disease claims	Waiting period for not more than 3 days with retroactive benefits after 2 weeks	Death benefits to widow until her death or remarriage	Compensation for permanent total disability for life or period of disability	Compensation for temporary total disability not less than 66⅔ percent of average wages	Total standards met
Connecticut	X	X	X	X	X	X	X	X	X	X[1]	X	--	X	X	X	X	15
Delaware	X	--	--	X	--	--	X	X	--	X	X	--	X	--	X	--	8
District of Columbia	X	X	--	X	X	X	X	X	--	X[1]	X	--	--	X	X	--	11
Florida	--	--	--	X	X	--	X	X	X	--	X	--	--	--	X	--	7
Georgia	--	--	--	--	--	--	--	--	X	--	--	--	--	--	--	--	1
Hawaii	X	X	X	X	X	X	X	X	X	X	X	X	X	--	X	X	15
Idaho	X	X	--	--	--	--	X	X	X	--	--	--	--	--	X	--	6
Illinois	X	X	--	X	--	--	X	--	--	--	--	--	--	--	X	--	5
Indiana	--	X	--	X	--	--	X	X	--	--	--	X	--	--	X	--	6
Iowa	--	X	--	--	--	--	X	X	--	--	--	--	--	--	--	--	3
Kansas	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
Kentucky	--	--	--	X	--	--	X	X	--	--	--	--	--	--	--	--	3
Louisiana	--	X	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1
Maine	--	--	--	X	X	X	X	X	--	X[1]	--	--	--	X	X	X	9
Maryland	X	X	--	X	X	--	X	X	X	X	X	X	--	--	--	--	10
Massachusetts	X	--	X	X	X	X	X	X	--	X	--	--	--	--	X	X	10
Michigan	X	X	X	X	X	X	X	X	X	--	--	X	--	--	X	--	11
Minnesota	X	X	--	X	--	X	X	X	X	X	X	--	--	--	X	--	10
Mississippi	X	--	--	--	--	X	X	X	--	--	--	--	--	--	--	--	4
Missouri	--	--	--	X	X	X	X	X	--	--	X	X	--	--	X	--	8
Montana	--	X	--	--	--	X	--	--	--	X	--	X	--	--	--	--	4
Nebraska	--	X	--	X	--	--	X	X	--	--	--	X	--	--	X	--	6
Nevada	X	--	--	X	--	--	X	--	X	X	--	--	--	X	X	--	7
New Hampshire	X	X	X	X	--	--	X	X	--	X	--	X	--	--	--	--	8
New Jersey	--	X	X	X	X	--	X	X	--	--	--	--	--	X	X	X	9
New Mexico	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	0
New York	X	X	X	X	X	X	X	X	X	X[1]	X	X	--	X	X	--	14
North Carolina	--	--	--	--	--	--	X	--	X	--	--	--	--	--	--	--	2
North Dakota	X	X	--	X	X	X	X	X	X	X	--	--	--	X	X	--	11
Ohio	X	--	X	X	X	X	X	X	X	X	--	--	--	--	X	--	10
Oklahoma	X	--	--	--	--	--	X	X	X	--	--	X	--	--	--	--	5
Oregon	X	X	X	X	X	X	X	X	X	X	X	--	X	X	X	--	14
Pennsylvania	--	X	--	X	--	--	--	--	--	--	--	--	--	--	X	--	3
Puerto Rico	X	X	X	X	X	--	X	X	X	--	X	X	X	X	X	--	13
Rhode Island	X	--	--	X	X	--	X	X	--	X	--	X	X	--	X	--	9
South Carolina	--	--	--	X	--	--	X	X	X	--	--	X	--	--	--	--	5
South Dakota	--	X	--	--	--	--	--	--	--	--	--	--	--	--	--	--	1
Tennessee	--	--	--	--	--	--	--	--	--	X[1]	--	X	--	--	--	--	2
Texas	--	--	--	--	X	--	X	--	X	--	--	X	--	--	--	--	4
Utah	X	X	--	X	--	X	X	--	X	--	X	X	--	--	X	--	9
Vermont	--	--	X	--	--	--	X	--	--	--	--	--	--	X	--	--	3
Virginia	X	--	--	X	--	--	--	--	X	--	--	X	--	--	--	--	4
Washington	X	X	--	X	X	--	X	X	X	X	X	X	--	X	X	--	12
West Virginia	--	X	--	X	X	X	X	--	X	X	X	--	X	X	X	--	10
Wisconsin	X	--	X	X	--	X	X	X	X	X[1]	X	X	X	--	X	--	13
Wyoming	X	X	--	--	--	--	X	X	--	X	--	X	X	--	--	--	7
Number of States meeting standards	29	28	14	34	21	20	41	32	26	23	18	22	8	13	31	6	--

[1] Choice from panel.

Mr. JAVITS. Mr. President, a compliance ratio as low as 45 percent is indeed shocking, but it is even more shocking to realize that if the comparison were made with the model workmen's compensation law recently published by the Council of State Governments, the percentage would be even lower.

A brief analysis of the subjects which the Commission would be directed to study under my proposal, many of which are keyed to the minimum standards developed by the Department of Labor, the Council of State Governments, and the IAIABC, will indicate the critical nature of the problem, as it exists today.

First. The amount and duration of permanent and temporary disability benefits. Together with medical benefits, the disability benefits payable under workmen's compensation are, of course, the heart of the system. Yet, in all but a few States the disability benefits payable to an injured worker are grossly inadequate. Furthermore, here in contrast to other areas in which slow, but more or less steady, progress toward recommended standards has been made, we have actually been losing ground. To take just one example, the shocking fact is that, although the absolute amount of disability benefits has increased between 1940 and 1966, the ratio of maximum weekly temporary total disability benefits to average weekly wages has, by and large, fallen drastically in that period. That ratio has actually decreased in no less than 44 States. If the comparison is made between 1958 and 1966, the results are likewise unsatisfactory. In that period, in only half the States did this percentage increase; in the other half it continued to decrease. The sorry tale is told completely in a table, which I ask be included in my remarks at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage[1]		
	1940	1958	1966
Alabama	94.9	43.7	39.1
Alaska	--	75.2	56.7
Arizona	--	182.6	137.2
Arkansas	122.2	58.8	47.3
California	80.2	51.3	54.1
Colorado	54.7	42.3	45.0
Connecticut	85.9	49.5	53.5
Delaware	50.6	36.6	40.2
District of Columbia	93.7	63.4	60.3
Florida	89.5	47.0	41.9
Georgia	112.0	44.5	38.5
Hawaii	116.2	108.4	106.8
Idaho	79.4	52.8	46.4
Illinois	67.5	43.6	54.8
Indiana	60.1	39.8	37.7
Iowa	63.2	40.3	45.5
Kansas	78.0	41.8	40.4
Kentucky	68.2	41.9	43.8

See footnote at end of table.

RATIO OF MAXIMUM WEEKLY BENEFIT FOR TEMPORARY TOTAL DISABILITY TO AVERAGE WEEKLY WAGES, BY STATE (1940, 1958, AND 1966)—Continued

[In percent]

State	Ratio of maximum temporary total disability benefit for worker, wife, and 2 dependent children to average weekly wage[1]		
	1940	1958	1966
Louisiana	94.3	44.8	32.9
Maine	85.8	49.8	64.2
Maryland	81.0	50.2	52.1
Massachusetts	68.2	58.2	69.3
Michigan	55.1	43.9	58.2
Minnesota	77.4	53.9	40.8
Mississippi		57.1	41.0
Missouri	78.4	44.8	46.0
Montana	79.8	47.0	46.2
Nebraska	63.1	45.1	42.8
Nevada	84.7	55.9	59.2
New Hampshire	83.8	51.8	51.4
New Jersey	67.9	42.9	36.3
New Mexico	86.5	36.9	40.4
New York	80.9	47.7	47.7
North Carolina	100.1	55.4	42.3
North Dakota	89.6	50.5	59.4
Ohio	63.8	42.9	44.7
Oklahoma	71.2	43.6	38.9
Oregon	87.5	56.1	51.5
Pennsylvania	69.0	44.8	47.0
Puerto Rico		86.4	58.0
Rhode Island	83.7	43.1	56.0
South Carolina	153.4	57.3	57.0
South Dakota	66.4	41.9	47.3
Tennessee	78.2	45.0	40.3
Texas	84.0	43.7	33.6
Utah	72.0	49.8	52.1
Vermont	62.3	47.4	46.0
Virginia	74.9	46.9	47.0
Washington	51.1	53.4	53.0
West Virginia	62.1	39.0	37.4
Wisconsin	73.5	55.8	58.9
Wyoming	88.4	53.6	57.6

[1] The percentages in these columns are found by dividing the maximum weekly benefit for a worker, his wife, and 2 dependent children by the average weekly wage as reported under the State unemployment insurance acts.

Mr. JAVITS. Mr. President, in the area of permanent disability, the figures tell an equally disquieting story. In four States the maximum permanent disability benefit is less than $40 a week. In 13 States the maximum permanent disability benefit is between $40 and $50 per week. Furthermore, absolute limitations on the amount of permanent disability benefits—almost a contradiction in terms—are still common; 19 States have such limitations, with most of them below $20,000 and some as low as $12,500. Only six States meet the Department of Labor's recommendation of an actual, rather than merely theoretical maximum of 66⅔ percent of average wages for temporary total disability. A chart prepared by the chamber of commerce and included in its most recent Analysis of Workmen's Compensation Laws reveals the picture at a glance, and I ask that it be included in my remarks at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITIES, JAN. 1, 1968

Jurisdiction	Limitations on permanent total					Limitations on temporary total					Notations
	Maximum percent of wages	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Maximum percent of wages[1]	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	
Alabama	[2] 65	$44.00	$15.00	550 weeks	$17,600	65	$44.00	[3] $15.00	300 weeks	$13,200	
Alaska	65	65.00	25.00	Life		65	100.00	[3] 25.00	Disability		Disfigurement maximum, $3,500.
Arizona	65	[4] 150.00	32.50	do		65	[4] 150.00	32.50	433 weeks	65,000	
Arkansas	65	38.50	10.00	450 weeks	14,500	65	38.50	10.00	450 weeks	14,500	
California	65	52.50	20.00	Life [1]		61¼	70.00	25.00	240 weeks [5]		60 percent maximum after 400 weeks.
Colorado [6]	66⅔	[7] 54.25	13.00	do [1]	16,926	66⅔	54.25	13.00	Disability	16,926	50 percent increase in compensation where employer has failed to comply with insurance provisions. 50 percent decrease in compensation where injury results from failure to obey safety regulations or from intoxication.
Connecticut	66⅔	[8] 74.00	20.00	do	([9])	66⅔	[8] 74.00	20.00	do		
Delaware	66⅔	50.00	[3] 25.00	do		66⅔	50.00	[3] 25.00	do		
District of Columbia	66⅔	70.00	[3] 18.00	do		66⅔	70.00	[3] 18.00	do	[10] 24,000	
Florida	60	49.00	[3] 8.00	do		60	49.00	[3] 8.00	350 weeks		
Georgia	60	37.00	12.00	400 weeks	12,500	60	37.00	12.00	400 weeks	12,500	
Guam	66⅔	35.00	[3] 12.00	Life	10,000	66⅔	35.00	[3] 12.00	Disability	10,000	
Hawaii	66⅔	[1] 112.50	[1] 18.00	do	[1] 35,100	66⅔	112.50	[3] 18.00	do	[12] 35,100	Director may order payment of $150 per month for attendant, paid from special fund.
Idaho	60	[1] 43.00	[1] 15.00	do [13]		60	[1] 43.00	[1] 15.00	do [13]		Maximum $43 with dependent spouse. Add $5 each child. Maximum $63.
Illinois	([1])	68.00	31.50	do	([1])	([1])	76.00	31.50	8 years		Limited to amount if death had resulted. Pension thereafter.
Indiana	60	51.00	[3] 21.00	500 weeks [1]	25,000	60	51.00	[3] 21.00	500 weeks	25,000	Additional benefits from 2d injury fund.
Iowa	66⅔	47.50	[3] 18.00	do	23.750	66⅔	56.00	[3] 18.00	300 weeks		Weekly compensation for temporary total disability is $40, $4 additional for each dependent child.
Kansas	60	49.00	7.00	416 weeks	20,384	60	49.00	7.00	415 weeks	20,335	
Kentucky [14]	66⅔	47.00	21.00	425 weeks	19,975	66⅔	47.00	21.00	425 weeks	19,975	Disfigurement benefits.
Louisiana	65	35.00	[3] 10.00	400 weeks	14,000	65	35.00	10.00	300 weeks	10,500	
Maine [15]	66⅔	62.14				66⅔	62.14				Disfigurement benefits, $1,500 maximum
Maryland	66⅔	55.00	[3] 18.00		30,000	66⅔	55.00	[3] 18.00	208 weeks		If permanent disability exceeds 50 percent of the body as a whole, employee is entitled to additional compensation for the full disability from the "Subsequent injury fund" after completion of payments by the employer.
Massachusetts [16]	66⅔	[1] 62.00	[17] 20.00	Life		66⅔	[1] 62.00	[17] 20.00	Disability	16,000	$6 additional each wholly dependent but not to exceed weekly wage. Combined total compensation for total and partial disability not to exceed $18,000.
Michigan [18]	66⅔	[1] 64.00	27.00	Disability [19]	([19])	66⅔	[1] 64.00	27.00	do		$6 additional for each dependent up to 5, maximum $93.
Minnesota	66⅔	60.00	17.50	Life	([11])	66⅔	60.00	17.50	350 weeks	15,750	Additional $5,000 allowable in in certain cases. Disfigurement benefits.
Mississippi	66⅔	35.00	[1] 10.00	450 weeks [20]	[20] 14,500	66⅔	35.00	[1] 10.00	450 weeks [20]	[20] 14,500	Less in partially dependent cases. $2,000 disfigurement maximum.
Missouri	66⅔	52.00	16.00	300 weeks [21]		66⅔	57.00	[3] 16.00	400 weeks	22,800	$2,000 disfigurement maximum.
Montana	66⅔	[1] 60.00	34.50	500 weeks	30,000	66⅔	[1] 60.00	34.50	300 weeks	18,000	Reducing schedule if less than 5 children.
Nebraska	[1] 66⅔	[1] 45.00	[3] 30.00	Life [22]		[1] 66⅔	45.00	[3] 30.00	300 weeks [22]	13,500	45 percent after 300 weeks, maximum $36, minimum $26 (or actual wages if less).
Nevada	90	[23] 56.00		do		[23] 90	67.50		100 months	29,250	Additional allowance for constant attendant if necessary, $50 a month.
New Hampshire	66⅔	8.00	[3] 15.00	([1])		66⅔	58.00	[3] 15.00	([1])		After 6 successive years of payment, additional payments may be made only on order of the commissioner upon application by the employee and to the employer. If employer objects, medical panel provided for.
New Jersey	([24])	[1] 83.00	10.00	450 weeks [1]		([24])	83.00	10.00	300 weeks		After 450 weeks at reduced rate, if employed; at full rate if not rehabilitable.
New Mexico [1]	60	45.00	[3] 24.00	500 weeks	22,500	60	45.00	[3] 24.00	500 weeks	22,500	10 percent additional compensation payable by employer for failure to provide safety devices.

See footnote at end of table.

See footnotes at end of table.

INCOME BENEFITS FOR PERMANENT AND TEMPORARY TOTAL DISABILITIES, JAN. 1, 1968—Continued

Jurisdiction	Limitations on permanent total					Limitations on temporary total					Notations
	Maximum percent of wages	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	Maximum percent of wages [1]	Maximum weekly payment	Minimum weekly payment	Time limit	Amount limit	
New York	66⅔	$60.00	[3] $20.00	Life		66⅔	$60.00	$20.00	Disability		Additional compensation for vocational rehabilitation.
North Carolina	60	42.00	10.00	400 weeks [1]	[1] $15,000	60	42.00	10.00	400 weeks	$15,000	In cases of paralysis from a brain or spinal injury, payments may be extended for the life of the claimant and the total may exceed $15,000.
North Dakota	80	[1] 75.00	15.00	Life		80	[1] 75.00	15.00	Disability		$50 plus $5 for each child under 18. Maximum $75 per week. [2]
Ohio	66⅔	56.00	[3] [25] 45.50	do		66⅔	56.00	[3] 25.00	do	10,750	During 1st 12 weeks of temporary total disability, maximum compensation is $63.
Oklahoma	66⅔	40.00	[3] 15.00	500 weeks	20,000	66⅔	40.00	[3] 15.00	300 weeks	12,000	
Oregon	90	70.38	35.75	Life		90	[1] 73.85	39.23	Disability		Reducing schedule if less than 6 children.
Pennsylvania	66⅔	60.00	[26] 35.00			66⅔	60.00	35.00			
Puerto Rico [27]	66⅔	20.76	9.23	Life		66⅔	35.00	8.00	312 weeks		Additional benefits in specific cases such as for vocational rehabilitation or constant companion at not more than $30 a month.
Rhode Island [28]	66⅔	50.00	25.00	1,000 weeks	16,000	60	45.00	25.00	1,000 weeks	16,000	Additional benefits from 2d injury fund. Compensation includes $3 per week each dependent child in addition to that for total incapacity, maximum $12.
South Carolina	60	50.00	5.00	500 weeks	12,500	60	50.00	5.00	500 weeks	12,500	
South Dakota	55	42.00	[3] 22.00	Life [1]	16,000	55	42.00	[3] 22.00	312 weeks	13,108	After 300 weeks, maximum $15 per week. Minimum $12.
Tennessee	65	42.00	[28] 15.00	550 weeks	16,000	65	42.00	[28a] 15.00		16,000	After 400 weeks $15 per week, or actual wage if less but not less than $12. Disfigurement benefits.
Texas	60	35.00	9.00	401 weeks	14,035	60	35.00	9.00	401 weeks	14,035	Special provisions for occupational disease.
Utah	[1] 60	[29] 44.00	[3] 25.00	Life [1]	[30] 19,344	60	[29] 44.00	[3] 25.00	312 weeks	19,344	After 260 weeks 45 percent plus $3.60 for a dependent wife and $3.60 for each dependent minor under 18 up to 4 such children. Disfigurement benefits.
Vermont [31]	66⅔	[32] 52.00	[3] 26.00	330 weeks	17,160	66⅔	[32] 52.00	[3] 26.00	330 weeks	17,160	
Virginia	60	45.00	14.00	500 weeks	18,000	60	45.00	14.00	500 weeks	18,000	Disfigurement benefits.
Washington		[1] 81.23	42.69	Life			[1] 81.23	42.69	Disability		Additional allowance for constant attendant, if necessary $115 per month. Reducing schedule if less than 5 children.
West Virginia	66¾	47.00	24.00	do		66¾	47.00	24.00	208 weeks	9,976	
Wisconsin	70	68.00	14.00	do		70	68.00	8.75	Disability		Additional compensation for vocational rehabilitation. [33]
Wyoming		[1] 34.61	28.80	do	27,500	66⅔	63.46	33.46	do	12,000	Permanent—$34.61 plus $6.92 for each child (no limit). [34] Aggregate sum for children $10,000.
Federal Employees' Compensation Act.	[35] 75	[1] 345.00	59.00	do		75	[1] 345.00	[3] 59.00	do		Additional allowance of $300 per month for constant attendant if necessary.
Longshoremen and Harbor Workers' Act.	66⅔	70.00	[3] 18.00	do		66⅔	70.00	[3] 18.00	do	[36] 24,000	
Alberta	75	80.77	[3] 35.00	do		75	80.77	[3] 35.00	do		75 percent of maximum earnings of $5,600 per year.
British Columbia	75	95.20	[3] 34.72	do		75	95.20	30.00	do		75 percent of maximum earnings of $6,600 per year. [15]
Manitoba	75	86.54	[3] [37] 35.00	do		75	86.54	[3] 35.00	do		Do.
New Brunswick	75	72.11	25.00	do		75	72.11	[3] 25.00	do		75 percent of maximum earnings of $5,000 per year.
Newfoundland	75	72.11	[3] 28.84	do		75	72.11	[3] 25.00	do		Do.
Nova Scotia	75	72.11	[3] 28.00	do		75	60.58	[3] 30.00	do		Do.
Ontario	75	86.54	32.50	do		75	86.54	30.00	do		75 percent of maximum earnings of $6,000 per year.
Prince Edward Island	75	72.11	[3] 20.00	do		75	72.11	[3] 20.00	do		75 percent of maximum earnings of $5,000 per year.
Quebec [38]	75	72.11	25.00	do		75	72.11	35.00	do		75 percent of maximum earnings of $6,000 per year.
Saskatchewan	75	86.54	[39] 32.50	do		75	86.54	[3] 32.50	do		Do.
Canadian Merchant Seamen Compensation Act.	75	64.90	12.50	do		75	64.90	12.50	do		75 percent of maximum earnings of $4,500 per year.

[1] See Notations column.
[2] Percentage increased 5 percent each, for dependent wife and children. Maximum 65 percent, wife and children.
[3] Actual wage if less.
[4] No actual limit in computing average monthly wage. All wages in excess of $1,000 per month excluded.
[5] Within period of 5 years from date of injury.
[6] Disfigurement maximum $1,000.
[7] If employee is receiving social security benefits for disability, compensation may be reduced by 50 percent of such payments.
[8] 60 percent of average production wage. To be determined annually by Labor Commissioner. Determined to be $74 as of Oct. 1, 1967.
[9] Additional allowance of $5 per dependent child but not to exceed 50 percent of benefit or 75 percent of average weekly wage but may exceed 60 percent of annual average production wage. Retroactive benefit increases provided for cases prior to 1953 and 1967 and prospectively for cases after 1967.
[10] Does not include rehabilitation allowance.
[11] Old age and survivors insurance benefits credited on compensation after $25,000 has been paid.
[12] Same rate of compensation thereafter from special fund. Disfigurement maximum $10,000.
[13] 400 weeks at maximum disability, reduced thereafter to $25 per week.
[14] Maximum shall not exceed 55 percent of 85 percent of average weekly State wage; minimum shall be 25 percent of 35 percent of same, promulgated annually by Workmen's Compensation Board as of Jan. 1, 1968.
[15] Maximum not to exceed 66⅔ percent of State average weekly wage fixed by Maine Employment Security Commission, as of June 1, 1967.
[16] Maximum weekly benefit $62 effective Nov. 12, 1967; will increase to $65 effective Oct. 13 1968.
[17] Actual wage if less, but not under $10 for workweek of 15 hours or over.
[18] Add $3 for each dependent up to 5 to weekly minimum. All benefits increased according to a scale annually until 1967, thereafter will be adjusted to average State wage.
[19] Persons receiving less than benefits provided after 1955 receive difference in amounts from 2d injury fund.
[20] Plus rehabilitation allowance, maximum $160 for 104 weeks.
[21] 40 percent thereafter but not less than $18 or more than $30 for life.
[22] Reduced amounts after 300 weeks.
[23] 65 percent of average monthly wage not in excess of $325 per month plus an additional 15 percent for each dependent not to exceed 90 percent.
[24] Maximum not to exceed 66⅔ percent of average industrial wage determined annually (as of Jan. 1, 1968).
[25] Actual wage if less, but not under $10 for workweek of 15 hours or over.
[26] Actual wage if less but in no case less than $22.
[27] Compensation doubled if disability due to employer's violation of safety or health law or regulation.
[28] Disability extending beyond period compensation from 2d injury fund.
[28a] Actual wage if less but with a minimum of $12.
[29] $3.60 additional for dependent wife and $3.60 for each dependent child under 18, up to 4 such children.
[30] Employees tentatively found permanently and totally disabled referred to rehabilitation program. If employee has cooperated, cannot be rehabilitated and has exhausted benefits, then maximum of $44 per week is paid by special fund upon termination of payments by employer and carrier.
[31] Maximum benefit shall equal 50 percent of annual State average weekly wage. On July 1, 1968, benefits increased to $54 maximum weekly and $27 minimum—Maximum total $17,820.
[32] Additional amount of $3.50 per week for each dependent child under 21.
[33] Compensation reduced 15 percent for employee's failure to use safety devices.
[34] Court will supervise disbursement of fund for children.
[35] Maximum is based upon grade 15 of General Schedule Classification Act ($23,921), minimum upon grade 2 ($4,108). Benefits to be increased annually by 3 percent increase in Consumer Price Index after 1967.
[36] Plus rehabilitation allowance.
[37] Minimum benefits of $150 per month increased retroactively to Aug. 5, 1959.
[38] Beginning Sept. 30, 1965, benefit increases varying from 1.1–40 percent for awards made from Sept. 1, 1931, and Jan. 1, 1965, will be paid existing cases.
[39] Minimum benefits increased retroactively as of July 1, 1965.
[40] Board has discretion to choose the 12 months in the preceding 3 year period most advantageous to workmen for computation of his earnings.

Mr. JAVITS. Mr. President, one of the important tasks of the Commission would be to develop adequate criteria for determining the maximum amount and duration of permanent and total disability benefits. Over the years something like a consensus seems to have developed around a figure expressed as a percentage, usually 66⅔ percent of average weekly wages, in the State. By and large, the States are not meeting even that limited criteria, but the Commission should answer the question whether that standard discriminates unfairly against workers whose incomes exceed the average in the State.

Second. The amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician: Though the quality of medical care and workman's compensation has improved over the years, many workers still have to bear a part of the medical cost of their injury or disease. A number of States still restrict full medical care by setting limits on the monetary amounts or limitations on the time during which a worker may receive medical benefits. This problem has been considerably aggravated by the rising costs of medical care in recent years, and the fact that private medical and hospitalization insurance generally exclude workmen's compensation cases from coverage.

Satisfactory medical care is, of course, as important as adequate benefits. One way in which this problem has been dealt with is to provide that the workmen's compensation agency may supervise medical care. In most States, however, the workmen's compensation agency does not have this authority.

Another aspect of this problem is that almost three-quarters of all workers covered under workman's compensation have their doctors chosen for them by their employer or by the insurance company on behalf of the employer. While this practice does not necessarily imply that injured workers will receive unsatisfactory medical care, it raises other serious questions because it is the physician upon whose testimony and diagnosis the amount of a compensation award may depend. One way in which this difficulty is overcome is to allow any insured worker at least some real freedom of choice in the selection of a physician, but only 23 States meet the Department of Labor's recommended standards in this regard.

Third. Coverage of workers, including exemptions based on numbers and type of employment: The effectiveness of workmen's compensation laws is limited in many States by numerical exemptions under which small employers are not covered by the law. The numerical exemptions range from two to 15 employees. Other types of exemptions are based on the type of employment, rather than the number of employees.

One of the most glaring defects in many State compensation laws is the failure to cover agricultural employees to the same extent as other types of employees; notwithstanding the fact that agriculture has become one of the Nation's most dangerous occupations.

Other types of employees frequently exempted from the law are casual and domestic employees and employees of charitable or religious institutions. All of these exemptions taken together serve to exclude approximately 20 percent of the entire labor force from the benefits of workmen's compensation. Despite a few improvements in some laws toward fuller coverage, this percentage has not changed perceptibly in recent years.

Fourth. Standards for determining which injuries or diseases should be deemed compensable: One of the areas in which the development of workmen's compensation law in the United States has been most marked, but at the same time most uneven, is in the determination of which injuries or diseases are deemed compensable. In many States the law, or the court's interpretation of it is moved far away from the initial "accident" theory of compensable injury to include almost any injury or disease which is work-related. In other States, however, there has been little or no movement at all. Some States specifically exclude from coverage most occupational diseases, and at least 16 States fail to provide full protection for occupational disease. In one particular area, that of radiation disease, the problem has already occasioned a congressional inquiry by the Joint Committee on Atomic Energy. Pending before the Senate now are proposals to provide compensation for workers who have had the misfortune to suffer lung cancer as a result of their exposure to radiation and uranium mines. Such bills, of course, would be unnecessary had these unfortunate workers been entitled to collect workmen's compensation under existing State laws.

Fifth. Rehabilitation: In the years since the original Workmen's Compensation Acts were passed, the science of rehabilitation has made great strides. At the present time there exists a considerable store of knowledge and technique in medical and vocational restoration of an injured workman. Yet only a handful of States have adjusted either their substantive provisions or their administrative mechanisms under the workmen's compensation laws to take advantage of this opportunity. Clearly this is a subject which deserves the most careful study by the Commission.

Sixth. Coverage under second or subsequent injury funds: These funds are designed to facilitate reemployment of disabled workers. Their purpose is to assure full benefits to an employee who suffers a second disabling injury while at the same time allowing his subsequent employer to pay only that share of the benefits specifically attributable to the subsequent injury. Most States have established these funds but their operation and financing vary widely. Some second injury funds are supported by employer contributions under certain circumstances, other funds are supported entirely by governmental appropriations. Moreover, most States limit the coverage of second injury funds to loss or loss of use of a member of the body. In only a minority of the States do the second injury funds provide for coverage of any type of disability.

Seventh. Time limits on filing claims: The time limits on filing claims under most State laws appear to have been drawn to take into account only the "accidental" type of injury. These time limitations have serious drawbacks when they must be applied to occupational disease cases. For even though a law may provide coverage for occupational diseases its effectiveness will be seriously curtailed if there is an inadequate period of time for the worker to file for benefits. A worker may not know that he has contracted an occupational disease until a substantial period of time has passed after the date of his last exposure or a substantial period of time has passed before the condition is diagnosed as a disease that has occurred as a result of his employment. Both of these conditions exist, for example, in the case of uranium mine workers who have contracted lung cancer. Clearly the need for flexible time limit provisions is a subject which will merit serious consideration by the Commission.

Eighth. Waiting periods: Waiting periods or arbitrary periods of time during which employees may not receive compensation unless they are disabled for a fairly long period of time, specified in the law. The Department of Labor has recommended that the maximum waiting period should be 3 days and that benefits should be retroactive after 2 weeks. However, only about eight States currently meet this standard.

Ninth. Compulsory or elective coverage: Compulsory workmen's compensation laws require covered employers to comply with the law. An elective law permits the employer the option of whether to accept coverage of the workmen's compensation law; if he rejects coverage, he loses the common law defenses of assumption of risk, fellow servant negligence, and contributory negligence, in a suit filed by the worker. About one-half of the State workmen's compensation laws are compulsory, while the remainder are elective. Elective laws were at one time the rule rather than the exception. The trend has, however, definitely been toward compulsory coverage and although compulsory coverage has been recommended by the Department of Labor, the Council of State Governments, and the IAIABC almost half the States still have elective laws.

Tenth. Administration: Improved administration is one area in which tremendous strides have been made by some States but little, if any, progress has been made in others. Clearly, with the advent of new data processing techniques and the work which has been done by the Department of Labor, the Council of State Governments, and the IAIABC there is much that can and should be done to improve the administration of workmen's compensation laws in many States.

Eleventh. Legal expenses: Who should bear the burden of an injured workman's legal expenses has been a troublesome question for students of workmen's compensation. Most States require the claimant, whether or not he prevails in the proceeding, to bear his own legal

expenses, contenting themselves with regulating the amount of the fees and preventing unethical practices by lawyers handling compensation cases. Some States take a different view, requiring employers to pay the legal expenses of the successful claimant.

The issue has been drawn clearly, and well merits the attention of the Commission.

Twelth. The feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws: One of the perennial difficulties which has served to plague students of workmen's compensation has been the lack of information concerning the system as a whole. The Commission could make use of its greatest contributions by analyzing the feasibility of some sort of uniform reporting system, designed to obtain the meaningful information concerning the operation of workmen's compensation laws necessary to permit continuing critical evaluation of the system.

Thirteenth. Resolution of conflict laws extraterritoriality and similar problems arising from claims with multistate aspects: Here is another area where the new Commission could make a tremendous contribution. The Council of State Governments, has commented that no portion of its model act is more urgently in need of coordinated state action than the extraterritoriality provision. The Council referred to the present law in this area as in "a state of chaos." Dr. Larson, one of the foremost authorities on workman's compensation in the United States, has been even less charitable, characterizing the conflict of laws in this area as "a mad house of confusion."

Fourteenth. The extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they exist: In most States employers may provide compensation coverage through private insurance carriers. Some States, however, have established what are known as "exclusive State funds" with which all employers must deal. Various arguments can be made for and against these exclusive State funds. Under exclusive State funds, it is claimed, compensation insurance can usually be obtained more cheaply than from private carriers. Others argue, with equal force, that that is hardly a reason for prohibiting private carriers from competing for the employer's dollar. Another argument which the Commission will undoubtedly have to consider carefully is the tremendous contribution private insurance carriers have made toward improving occupational safety.

Fifteenth. The relationship between workmen's compensation on the one hand and old age, disability and survivors insurance and other types of insurance, public and private, on the other hand: With the advent of other types of insurance, both public and private, covering disability or death, the problem of overlap arises. There are two aspects of the problem; first, to guard against an injured worker receiving double compensation; second, the decision as to which type of insurance should bear the burden when an overlap exists. The problem is particularly acute in total disability cases where both workmen's compensation and social security are applicable to the same worker and in partial disability cases where unemployment compensation is also sought. Consideration of this problem by the Commission would be especially desirable because of its Federal overtones.

Sixteenth. Possible methods of implementing the recommendations of the Commission: The best method of implementing its own recommendations will probably be the most controversial topic for the Commission to consider. It will also be the most important.

I recognize that workmen's compensation has historically been treated as a function of State government, and that the States themselves deserve full credit for initiating the whole system. There is, however, ample justification for the Federal Government to solicit the views and recommendations of interested and informed parties as to what should be done to achieve necessary workmen's compensation reform. This should not mean or imply any effort to federalize workmen's compensation or to begin such a process. Indeed, my present inclination would be to oppose any attempt to federalize workmen's compensation as much too drastic. There is a wide range of alternatives available which the Commission could consider, and after the Commission has made its recommendations it will still be up to Congress to act or not, as it sees fit. The point of my proposal is that it is only through the informed consideration of the issues by a broadly based Commission that the Congress will have before it the information necessary to enable it to make an intelligent judgment on this issue, which affects all American working men and women.

NOTICE OF HEARINGS ON THE SUPREME COURT

Mr. ERVIN. Mr. President, in recent weeks the Senate has been engaged in a great debate on the safe streets and crime control bill. One of the more controversial aspects of the bill is title II, of which we have heard a great deal from Senators on both sides of the issue. A most important aspect of this debate has been the question of the proper role of the Supreme Court, its relationship to Congress, and the powers each of these great institutions has with respect to the other.

This debate reminds us all, I know, of the genius of the men who drafted the Constitution, and of the principle of separation of powers they embodied in our governmental scheme. We have heard much in the past few weeks of the power of Congress to change the appellate jurisdiction of the Supreme Court—a power placed in Congress' hands for many reasons, not the least of which was to enable the people, through Congress, to discipline and correct a Supreme Court which had overstepped its constitutional bounds. Counterbalancing this power of Congress over the Court is the Court's power to strike down legislation which in its considered view offends the Constitution. This debate is, of itself, a classic example of the operation of the system of checks and balances that the Framers, in their wisdom, made a central part of our governmental system.

The debate in the Senate is only the most recent manifestation of a much larger debate which has been raging throughout the country in past years. The nationwide concern over the functioning of the Court involves more than mere disagreement with a particular decision or line of cases. There has arisen a controversy—growing in intensity with every passing year—over the role in our system of government that the present Supreme Court has assumed. There is increasing belief, oustide of Congress as well as within, that the Court is not performing its proper constitutional functions, that it misunderstands its constitutional mandate, and has assumed a position for itself out of keeping with its historically accepted role.

This concern takes expression in many different ways. It is noteworthy, for example, that feeling about the Court has grown to such proportions as we have seen in recent days. Certainly it is not a usual occurrence for a proposal to be offered on the floor of the Senate to restrict the Court's appellate jurisdiction. Such a proposal would not be presented if a great many citizens were not convinced that it is necessary. Whatever the final vote in that debate, it is clear that the Court is faced with a crisis of confidence of a magnitude rarely equaled in its history.

Public criticism of the Court has increased to such a degree in recent years that it is now incumbent upon us to examine the underlying causes for this reaction. Each Senator, I feel sure, has received mail from his constituents objecting to the way the Court has been functioning. Criticism by the ordinary citizen has been matched by increasing academic commentary on the Court—and much of this commentary has also been critical.

Although I have been critical of many of the Court's decisions in recent years and have urged this body to support title II, I yield to no man in my high regard for the Supreme Court. One may, as I have, criticize the Court and its current notions of judicial superiority, without in any way demeaning the institution. Indeed, I am firmly of the opinion that the Members of the Senate have a responsibility to consider the work of the Court and to criticize and to discipline it when in their judgment the Court is behaving improperly. We also have a responsibility to seek the causes for this progressive decay of the Court's reputation, and to do what we can to restore public confidence in the institution.

When the Subcommittee on Separation of Powers was organized, it was decided that one of the first items on its agenda would be a study of the Supreme Court. The subcommittee has now scheduled a series of hearings on the Court during the week of June 11–14. The hearings will provide a public forum for academic students of the Court so that Members of Congress and the general

public can have the benefit of the views of those whose business it is to study and analyze the work of the Court. The hearings will be in the form of panel discussions, at which members of the subcommittee can discuss with constitutional law professors, historians, and students of political science, the important and fundamental questions surrounding the Supreme Court. Among those who have thus far accepted the subcommittee's invitation are: Prof. Henry J. Abraham, Wharton School of Finance and Commerce, University of Pennsylvania; Prof. Gerald Gunther, Stanford School of Law; Dr. Alfred H. Kelly, professor of history, Wayne State University, Detroit; William E. Leuchtenburg, professor of history, Columbia University; Prof. Paul J. Mishkin, University of Pennsylvania School of Law; C. Herman Pritchett, professor of political science, University of Chicago; Prof. Albert J. Sacks, Law School of Harvard University; and Prof. William W. Van Alstyne, Duke University School of Law.

Assisting the subcommittee will be its consultants, Prof. Philip B. Kurland of the University of Chicago Law School, Prof. Robert G. McCloskey of Harvard University, and Prof. Alexander M. Bickel of Yale University.

A topic of such complexity as the role of the Supreme Court cannot possibly be exhausted in a short series of panel discussions such as the subcommittee plans in this session. Our immediate objective is to stimulate additional thought about the relationship of Congress to the Court and to the other institutions of our Government, and to begin consideration of the many aspects of the separation of powers principle as it applies to the Court.

Because of the limited time available for these hearings, it will not be possible to extend invitations to all persons who might have wished to appear. However, the subcommittee will accept for inclusion in the record the statements of persons who desire to submit their views on this important subject. Additional information on the hearings can be obtained from the subcommittee's office. All persons desiring to submit written statements should contact the subcommittee office, room 1403, New Senate Office Building.

ACID DRAINAGE PROBLEMS STUDIED

Mr. BYRD of West Virginia. Mr. President, mine drainage is one of the most perplexing of the water pollution problems confronting mining States. While the coal industry itself has made undeniable progress in coping with the problems created by nature incidental to the exposure of coal seams to air and water, developments have thus far failed to produce the answers that are certain to come through an all-out scientific approach to the problem.

Only a spectacular breakthrough in research will provide a means of reducing water pollution from mine drainage on a practical basis. For this reason there was intense interest in the second symposium on coal mine drainage, which was held in Mellon Institute in Pittsburgh yesterday and the day before. Sponsored by the Coal Industry Advisory Committee to the Ohio River Valley Water Sanitation Commission, the meetings provided a forum for the presentation of results of experimentations now in progress. At the same time, the sessions served to coordinate preliminary studies by the Nation's outstanding scientists and engineers working toward the solution of water pollution problems.

Participants in the symposium included representatives of government and industry, supported by representatives of such educational institutions as West Virginia University, Pennsylvania State University, Harvard, Ohio State, Kent State, University of Kentucky, and Indiana University. In addition, the U.S. Government sent officials from Brookhaven National Laboratory, the Department of Mines, the Federal Water Pollution Control Association, and the Corps of Engineers.

With this array of talent from the relevant disciplines, the symposium was able to present a review of the frontal attack on a water problem that has particular prominence in Appalachian States. The symposium program—covering every phase of laboratory and field investigation to date—was an important stepping stone on the road to the Nation's clean stream objective.

Symposium sessions included discussions on chemistry of mine drainage, biology and mine drainage, mine drainage and the hydrologic influence, control measures research, treatment techniques and the industry's experience with mine drainage treatment plants.

I should like to state that my colleague from West Virginia [Mr. RANDOLPH] will discuss industry's role in water quality control at the symposium luncheon on May 15. As chairman of the Committee on Public Works, he has been most active in furthering Government cooperation with industry and with all institutions dedicated to improving water quality.

Other West Virginians who were invited to participate in the meetings in Pittsburgh are Dean Charles T. Holland, of the West Virginia University School of Mines; Douglas J. Ladish, assistant research chemist at the School of Mines; and Ray M. Henderson, division mining engineer of the Mountaineer Coal Co. in Fairmont. Dr. Gerald L. Barthauer, director of the conservation department, Consolidation Coal Co., who is one of industry's leading scientists dedicated to improving water quality in West Virginia and other mining States, will preside at the luncheon at which Senator RANDOLPH will speak.

Mr. President, the intense desire on the part of both sponsors and participants in the symposium is reason enough to have confidence that practical solutions to the complexities of mine drainage pollution are not far off. We in the coal regions will be watching closely for results of progress from the conference and for developments that are sure to come through the application of science and research.

A WHITE HOUSE CONFERENCE AND THE ECONOMICS OF AGING

Mr. WILLIAMS of New Jersey. Mr. President, on May 6 the Senate passed Senate Joint Resolution 117, which calls for a White House Conference on Aging in 1970.

As chief sponsor of that joint resolution and as chairman of the Special Committee on Aging, I am pleased by the prompt and unanimous action taken by the Senate. I also note that similar joint resolutions have been introduced in the House of Representatives with broad bipartisan support.

The need for the White House Conference on Aging grows more apparent every day. Mail received at the committee office within recent weeks is abundant in helpful suggestions for matters that should be considered at the national conference here in Washington and at preparatory State conferences that would—under terms of the resolution—precede it.

To judge by the interest shown and by the variety of proposals made, it is clear that a significant number of new topics could be added to those discussed at the White House Conference in 1961. In addition, many questions discussed at the earlier conference are in need of intensive reexamination.

Issues related to economic security in retirement, for example, are of major concern. As the Committee on Aging said in its report issued on April 29:

> Income, or the lack of it, is now more than ever the major problem faced by a majority of Americans living in retirement.

The committee will devote considerable attention during the next year to a study of the economics of aging in order to help prepare the way for a searching appraisal of relevant programs and proposals at the White House Conference. We will welcome suggestions for matters that should receive committee attention, and we will attempt to show the impact of present economic trends upon the budgets and well-being of older Americans today and in the future.

Sylvia Porter, the economist and columnist, dealt with several of those questions in her syndicated article of March 14. Drawing from testimony taken by the Committee on Aging in December, she described the increasing difficulties faced by Americans who are trying to provide adequately for retirement. She also asks several probing questions that should receive careful attention at the White House conference and before.

Mr. President, I ask unanimous consent that the column be printed in the RECORD as one more piece of evidence on the need for the early final passage of Senate Joint Resolution 117.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Star, Mar. 14, 1968]

YOUR MONEY'S WORTH: PREPARING FOR RETIREMENT?

(By Sylvia Porter)

Let's say you are now saving a proportion of your income that will give you, combined with your expected Social Security retirement benefits, a total retirement income roughly equal to your current earnings.

If you are doing this—and if you are in the minority of America's informed, affluent and thrifty—the chances are overwhelming your actual retirement income will be only about 50 percent of what other Americans will be earning by the time you retire.

This is a projection developed by two Duke University economists, Juanita M. Kreps and John O. Blackburn, for a recent hearing on retirement problems by the Senate Committee on Aging. It dramatizes how abysmally inadequate are today's actual retirement incomes; it also warns that tomorrow's retirement incomes will be even more inadequate in terms of tomorrow's living standards and living costs.

OBVIOUS RIGHT NOW

It's obvious right now. The typical income of a family headed by a person over 65 is only 46 percent of the median income of families headed by younger Americans. The median income for an elderly individual is a subpoverty $1,443, or only 42 percent of the median $3,443 for younger individuals. And the gap is widening steadily.

What place does Social Security have? On average, benefits amount to about a third of retired Americans' income.

But this is an average: For many in their 70's and 80's, no longer able to supplement their benefits with part-time earnings Social Security is the only source of income.

The problem didn't seem so awesome in previous generation when it was part of the American family tradition for the younger ones to take care of elderly members within the home and the parents died early anyway. But now tradition has been broken—and life expectancy for a 65-year-old man is 13 years, while for his slightly younger wife it's 20 years.

QUESTIONS ASKED

How do we handle it, then? What should we do as responsible participants in a civilized society?

Let me admit right here I do not have the right answers. What I do have, though, are some of the right questions. Specifically:

How big a place should Social Security benefits play in a personal retirement program?

Can individuals save anywhere near enough to supplement in a meaningful way the modest Social Security benefits we can look forward to?

Will rising pension benefits do anything more in the years ahead than offset probable rises in living costs? According to one recent projection, by 1980 half of retired couples will be receiving $3,000 or less in Social Security and private pension incomes, or far below 1980's poverty line.

DEVELOPING URGENCY

Another fundamental question raised by Economists Kreps and Blackburn is: Should the worker who retires now reap retirement benefits based on the spectacular technological gains the nation has been making in recent years, while the worker who retired years ago and also contributed as much as he could to the nation's overall economic growth at that time, gets only a fraction in return for his comparable effort?

Whatever answers we come to eventually, and the questions surely underline the developing urgency of the challenge, will be costly.

To paraphrase an old truism, there's no such thing as a free retirement.

"STEEL INDUSTRY'S VITAL ROLE IN AMERICA'S FUTURE"—SPEECH BY SENATOR DOMINICK

Mr. SCOTT. Mr. President, we are all well aware of the financial crisis this Nation is facing. The news is filled with graphs and charts detailing our accelerating backslide toward economic disaster. One of the most dramatic declines has been in our balance of foreign trade. In March of this year, our exports fell below the level of imports for the first time in 5 years, and the result was an adverse trade balance of over $157 million.

The steel industry is a major barometer of a nation's business health and it is not surprising that in the United States the steel industry is in dire straits.

My distinguished colleague, Senator PETER DOMINICK, of Colorado, recently spoke on this topic and summarized the critical importance of maintaining a strong and viable steel industry. His talk before the Steel Service Center Institute pointed out that 1967 was the ninth straight year that the United States has experienced an unfavorable balance in steel trade. His remarks were entitled "Steel Industry's Vital Role in America's Future."

Mr. President, Senator DOMINICK's speech dramatically illustrates one of the major factors contributing to our economic ills, and I ask unanimous consent that the text of Senator DOMINICK's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STEEL INDUSTRY'S VITAL ROLE IN AMERICA'S FUTURE

(Speech by Senator PETER H. DOMINICK before the Steel Service Center Institute, Denver, Colorado, May 13, 1968)

Despite the glowing headlines which appeared recently in some of our newspapers proclaiming huge profits in steel during the first quarter of 1968, our problems are getting worse instead of better. As most of you know, much of the sales and earnings increase during the last six months resulted from an accelerated buildup of inventories by your customers hedging against the possibility of a steel industry strike in midsummer.

Foreign trade statistics which have just been released show that for the first time in five years, our exports for a single month—the month of March, 1968—fell below the level of imports. During March, U.S. exports fell 11.5 percent below the February level, while imports increased .4 percent. The result was an adverse trade balance of $157.7 million. Steel imports are a major factor in this deficit. It is part of a continuing trend.

In 1967, for the *ninth straight year*, we had an unfavorable balance in steel. Last year, domestic firms imported 11.5 million tons of steel. This is 6.5 percent more steel tonnage than was imported in 1966. This year imports of steel will climb still higher. Figures recently released by the Department of Commerce estimate that, on the basis of first quarter statistics, imports of steel may reach as high as 14.5 million tons in 1968. By comparison with 1961, when 2.9 million tons of steel were imported, the increase in imports during the past eight years amounts to almost 500 percent.

Many of us can recall that after World War II, our money and know-how enabled the shattered nations of Europe and Asia to build modern steel plants. Today those plants—operated by workers who earn only a fraction of the wages paid to American steelworkers—are taking over a greater and greater share of the United States market.

Japan's rapidly expanding steel industry has set its sights on our market. Japan expects to increase its steel producing ability by 66 percent over the next ten years, and already dominates our barbed wire and wire nail market.

While the penetration of the United States market varies from product to product and from region to region, no important steel product line or steel market area is immune from the impact of imports. Unless the spiraling import trend is halted, thousands of jobs in our steel plants and even our national security may be put in danger.

Our government's foreign trade policy is based on the assumption of fair competition among all nations. But today we don't have fair competition! Most foreign steel producers are assisted by their governments in several ways to help them compete against U.S. steel companies. For example, in most important steel producing countries of Western Europe the domestic tax system provides incentives for exporting steel at low prices and imposes severe penalties upon American steel imports.

In the past, technological progress within the United States steel industry has provided a defense against foreign penetration of our market. But today, many foreign steel producers are showing the same technological progress.

The result has been that in the relatively short span of years since the end of World War II the United States' share of world steel production has dropped from 61 percent to 26 percent. Japan's share has increased tenfold. Italy's share has tripled and the Soviet Union's has doubled. And, frankly, the end of this trend is not in sight, as foreign steel producing capacity still is increasing more rapidly than demand.

Our steel mills have attempted to turn the tide of imports by offering extended-payment terms and agreeing to store strike-hedge steel for purchasers—an effort that will cost the industry $30 million. But still this offer has done little to stem imports.

One of the most serious results of cheap steel imports is the shrinking employment opportunity in the steel industry. The Library of Congress has provided a calculation that about 6,400 people are now employed in our steel plants for every million tons of finished product shipped in a year. An additional 1,300 persons are involved in coal and ore mining and transportation. Thus, 7,700 American men and women are employed for every million tons of domestic steel mill products shipped. Accordingly, the 14.5 million tons of steel imports predicted by the Department of Commerce for this year will represent the export of 111,650 American jobs that have gone abroad!

Despite all the brave talk, our balance-of-payments problem *is* getting worse. It is interesting here to note, however, that the entire deficit in our balance-of-payments, which amounts to about $1.4 billion, is about the same amount as our anticipated trade deficit with respect to steel this year!

Although I am one of the few who voted against the Trade Expansion Act, I am not opposed to freer world trade. This Act, however, penalizes more than it helps. It seems to me perfectly naive to ignore non-tariff barriers. These are economic and, often more importantly, political factors that are structured in such a way as to restrict trade. This is especially the case in steel.

I feel that we must act now in our own national interest. Almost all nations recognize how imperative steel production is to their economies and national security. And almost every country has import problems. I feel we must insist that our trade agreements be truly reciprocal, including political as well as economic considerations.

We must act in our national interest to guarantee that our steel industry will be kept viable if we are to meet our needs in the decade of the seventies and beyond. Steel has a big role to play once we are past the obstacles of Vietnam.

Not only will we need to replace our military hardware depleted by Vietnam, but we also need to revitalize our maritime fleet. We are slipping farther and farther behind in

this field. Today only five percent of our trade is carried in American bottoms.

We need to move ahead in developing rapid mass transportation systems. Nowhere is this need more apparent than between our airports and the major cities they serve.

And most importantly, steel will play a major role in our efforts to overcome our crisis of "urban senility"—the decay of our core cities. Tremendous amounts of steel will be required to accomplish this job. The magnitude and anticipated cost of rebuilding our core cities boggles the mind; but it must be done, and we must be certain that our steel industry is able to meet this challenge, and to provide job opportunities for future generations of Americans.

DEPARTMENT OF AGRICULTURE AWARD TO TOM F. McGOURIN, OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, I am always pleased to see our civil servants recognized for their accomplishments, but I take special pride when they are from Virginia.

On Tuesday of this week, May 14, the Department of Agriculture presented a Superior Service Award to Tom F. McGourin, who directs the work of the Soil Conservation Service in Virginia. The award cited him "for demonstrating exceptional leadership in applying agricultural science to the solution of nonagricultural problems in rapidly expanding areas, while improving Soil Conservation Service professional working relationships with all resource conservation agencies in Virginia."

Mr. McGourin pioneered new concepts of soil and water conservation in Virginia, initiating programs to help minimize soil and water problems where large-scale urban development is taking place.

Many of the results may be seen just across the river from the Capital—at Dulles International Airport; at Reston, the "new town" in a rural setting; and at the huge new shopping area being built at Tysons Corners. Virginia's tidewater streams and bay fronts are also the scene of other conservation work to abate erosion damage.

Mr. McGourin, through his leadership, has gained public acceptance to new ideas and techniques. The results will benefit more than just Virginia. People from all across the country have toured these models of conservation to observe the techniques used.

Mr. McGourin has been a Federal employee for 32 years, 7 of which he has spent in Virginia. His dedication, vigor, and enthusiasm are reflected in the many lasting contributions he has made to the soil and water, conservation program. He exemplifies the best of our civil servants and I am very much pleased to see him recognized.

TRIBUTE TO SENATOR LAUSCHE

Mr. WILLIAMS of Delaware. Mr. President, the Wilmington Morning News of May 15, 1968, contains a well-deserved tribute to Senator FRANK LAUSCHE of Ohio, by James J. Kilpatrick.

I agree completely with the writer's conclusion that FRANK LAUSCHE'S departure from the Senate will leave a vacuum, one which it will take a mighty strong man to fill.

FRANK LAUSCHE is a statesman, a patriot, a true servant of the people he represents, and a man whom I am proud to call a friend.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

SENATOR LAUSCHE ONE OF KIND

(By James Jackson Kilpatrick)

WASHINGTON.—Back in mid-April, when the newspaper editors were having their annual consistory out at the Shoreham, I ran into Ohio's Sen. Frank Lausche and asked him how he was doing. He rolled those expressive eyes to heaven and crossed his fingers for luck. I promised myself to write a piece about the old maverick, but other things got in the way. Now, dammit, it's too late. He went down to defeat in last week's senatorial primary. His departure from the Washington scene will be a real loss to the Senate, and to the country, too.

Lausche was in a class by himself. Over the years, you came to expect most of the Southern Democrats to rack up a stoutly Republican record, but the old warhorses from Dixie were secure in their saddles; no one paid much attention. By the same token, you knew about where Wayne Morse, the Oregon cactus, would sink his barbs. Lausche was different. He voted his convictions with reckless disdain for party labels. He was a conservative, but a restless conservative; he would not stand and be hitched.

Great day, we will miss him next year. He came to the Senate in 1957, after serving five terms as governor of Ohio. He had done a brilliant job in the statehouse. My own recollection of Lausche goes back to the fall of 1951, when the National Conference of Editorial Writers met in Cleveland. He held his tough audience spellbound for an hour, with a virtuoso performance on the problems and prospects of state government.

Come to think of it, he always had the air of a virtuoso. He looked like a solo pianist or a visiting guest conductor—swarthy, his hands always in motion, his mobile face urging a faster tempo. Over the years, his great shock of dark hair turned grey; the lines deepened around his eyes and mouth, but he never lost the vitality of 1951. In a chamber of lusty debaters, he held his own with the best.

A good deal was made in the press of the senator's age—he is 72—but it wasn't his age that beat him on Tuesday. It was a combination of Lausche's own stubbornness and organized labor's strength. The last time the senator ran, in 1962, he won re-election by nearly 700,000 votes. He spent next to nothing in that campaign, and he adamantly refused to spend much of anything this spring. The people knew where he stood—or they ought to know. He had voted for the open housing bill, but he also had sponsored (with Strom Thurmond) a tough amendment to punish rioters. He was hard on Vietnam. He was hard, in truth, on just about everything. There was mighty little softness in him.

It is especially ironic that Lausche should have been toppled by former Rep. John J. Gilligan, for Gilligan was defeated two years ago by young Robert Taft. In the zoology of politics, Taft is a kitten and Lausche a catamount.

This time, Gilligan benefited from one of those great efforts that labor can mount in Ohio. During his single term in the House (1965–66), Gilligan rated a neat 100 per cent in the scorecards of the AFL–CIO. By contrast, his rating from the conservative Americans for Constitutional Action was a feeble 7. Gilligan also benefited in Cleveland from the help of Negro leaders identified with Mayor Carl Stokes.

In November, Gilligan will be pitted against the Republican senatorial nominee. Ohio's Atty. Gen. William B. Saxbe. Conservatives who are dismayed by the loss of Lausche may be consoled, to some extent, by the lively hope of seeing Saxbe elected. Saxbe is known as a pragmatist, a savvy campaigner, a competent middle-of-the-roader with broad appeal across the Republican spectrum. The House elections of 1966 demonstrated a Republican trend in Ohio; if the momentum can be sustained in November, Saxbe should win.

But with deference to the gentleman, he won't bring to the Senate the color, the verve, and the bare-knuckled spirit of Ohio's little giant. In the lovely hurly-burly of the Hill, Lausche has fought the good fight. It's a pity to see him knocked out.

IMPORTANCE OF FEDERAL CROP INSURANCE CORPORATION

Mr. BURDICK. Mr. President, the importance to the rural economy of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture can be illustrated in my home State of North Dakota.

In 1967 approximately 20,000 farmers in 52 counties of my State were carrying almost $60 million in Federal Crop Insurance protection on one or more of seven separate crops: barley, corn, flax, oats, soybeans, sugar beets, and wheat.

For the 1957 crop year, Federal Crop Insurance paid more than 5,600 losses totalling near $3½ million. In many cases the loss payment was a lifesaver for individual farm families who, without it, might have been squeezed out of farming, deeply in debt.

Over the last two decades 3 other years of adverse weather accounted for higher loss payments than were paid in 1967: nearly $7 million was paid in 1961, more than $6½ million in 1953, and about $5½ million in 1952. Over the 20-year period, the average annual loss payment by FCIC to North Dakota insured farmers has been nearly $2½ million. Over the 20 years, however, both in North Dakota and nationally, loss payments by FCIC have been less than the premium total that insured farmers have paid in.

Wheat, of course, accounts for nearly half of the entire Federal crop insurance program in North Dakota, and last year nearly half of all losses—more than 2,200—totalling $1½ million, were paid to the State's FCIC-insured wheat farmers.

Drought, over the last quarter century, has accounted for more than 37 percent of all North Dakota loss payments by FCIC, with disease accounting for more than 26 percent. The remainder of the losses were paid for a dozen lesser causes of crop damage.

During the last 20 years, North Dakota farmers carrying Federal crop insurance not only have been paid nearly $50 million in losses—a significant factor in the State's rural economy—but also they have benefited from the credit value which Federal crop insurance usually gives a farmer-borrower when he applies for a loan for operating capital or for the expansion of his farming operation.

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES AND THE MAYOR OF WASHINGTON, D.C.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an open letter to the President of the United States and the Mayor of Washington which appeared in today's Washington Star. The "open letter" appeared in the form of an advertisement by the Greater Washington Division of Maryland-Delaware-District of Columbia Jewelers' Association.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES AND THE MAYOR OF WASHINGTON, D.C.

It can happen here. The District of Columbia has become a disaster area and a battleground. The field of combat is clearly defined. It is in the minds of the lawbreakers—and those who are tempted to break the law. Our most powerful weapon must be knowledge that the law will be enforced—fairly and firmly.

The ultimate restraint for the lawless is not jail. It is the possibility of jail. When that possibility is diminished by lax law enforcement, crime becomes a way of life. When lawlessness is blinked at, we're eyeball to eyeball with anarchy; "window shoppers" are encouraged—to break the window. Give a potential criminal an inch and he'll take everything he can get, along with human life.

There are those who think that to deplore the increase in the spirial of crime brands one a reactionary. We are not reactionaries but if we did not react to the growing lawlessness in our city with alarm and protest, we would be irresponsible citizens.

We respectfully urge you, Mr. President and Mr. Mayor, while you seek from Congress the needed legislation for the disadvantaged, to seek also laws which will protect all citizens from irresponsible elements in the community—and to seek the means, if in your opinion you do not have them, to enforce those laws. We ask you to enforce and reinforce the law's presence—to alter the present climate which keeps salesmen of national manufacturers from visiting our stores in the Washington area because of danger on the streets, and prevents the law-abiding from going about their lawful pursuits. Escalate the war against robbers, arsonists and murderers—to achieve safety in our city and peace at home.

GREATER WASHINGTON DIVISION OF MARYLAND-DELAWARE-DISTRICT OF COLUMBIA JEWELERS' ASSOCIATION

"PAPER GOLD" OFFERS A NEW APPROACH

Mr. BENNETT. Mr. President, on April 30, the President sent to Congress a proposal which would create a new form of international monetary reserve. The plan involves the creation of special drawing rights—SDR's—within the International Monetary Fund as reserve assets supplementing principally gold and the dollar.

As the ranking Republican member of the Committee on Banking and Currency and as one who has given much thought and study to the economic problems facing us on an international scale, I think that the President's proposal makes a great deal of sense, and I am hopeful that it can be adopted as quickly as possible.

I realize that one of the problems facing us in complicated international monetary affairs is explaining the issue at hand so that enough support can be mustered for adoption. In this regard, the Salt Lake Tribune, on Sunday, May 12, 1968, provided a fine public service in an editorial entitled "Paper Gold Offers a New Approach." It succintly lists the problems, explains the special drawing rights proposal in easily understood terms, and generally urges the early passage of a bill "to bring order out of the chaos of world finances."

I commend the editorial and the Salt Lake Tribune and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"PAPER GOLD" OFFERS A NEW APPROACH

Because they are not designed for general circulation and can only be used by governments in settling international accounts, Special Drawing Rights (SDR) or "paper gold" will never end up in anyone's savings account or safety deposit box. But they will have great bearing on how much ordinary money a person has in either.

President Johnson has asked Congress to approve this plan for a new international reserve currency—the "coin" governments use in settling their accounts with one another—and the request has considerable bipartisan support. But, as with most aspects of world finance, there is little public understanding of what it's all about and why a new reserve currency is so necessary.

"Paper gold" is not a new idea, not a half-baked scheme worked out in a hurry under pressure. It has been kicked around by monetary experts for years but it began to get serious consideration near the end of World War II at the Bretton Woods meetings out of which grew the International Monetary Fund (IMF). Three years ago the President directed Secretary of the Treasury Henry H. Fowler to undertake international negotiations to reform the world money system that since 1945 has depended on the use of gold, dollars and sterling (British pound) to settle international accounts.

This request was prompted by need for a new reserve currency brought about by unprecedented increases in world trade after the war and continuing to the present. There simply is not enough reserve currency—gold, dollars and pounds—to go around, and as a result trade, which in the long run affects the paycheck of the corporation executive and wage earner alike, is threatened with curtailment and possible collapse.

Under the present system the rest of the world accumulates its reserve currencies—gold, dollars, and pounds—only to the extent that the United States and Britain run balance of payments deficits, that is, when these two countries buy more than they sell or spend more they earn, thus enabling other nations to acquire dollars and pounds to use in meeting their own international obligations.

But the very fact of such balance of payments deficits in turn weakens the dollar and pound and makes them less desirable as reserve assets because other nations begin to fear that the value of these currencies won't hold up (recent devaluation of the pound is seen as a justification of these fears) if such balance of payments deficits continue. In such cases other nations turn to gold as the only reserve asset they are willing to accept and hold. Since the supply of gold is limited, increased demand further curtails its ability to meet reserve needs and forces its price up, too.

In order to restore confidence in the dollar and pound it is necessary to bring the external accounts of the United States and Britain into better balance. But this serves to eliminate the major source of new additions to the world's supply of reserve currencies.

If this supply is to continue to grow as needed to fuel world trade expansion there are three alternatives: Encourage the U.S. and Britain to continue their balance of payments deficits, thereby spreading more dollars and pounds around, or raising the official price of gold—neither or which is acceptable to most leading countries—or set out to create an entirely new reserve currency which would be available when and as needed. Special Drawing Rights, "paper gold," is that new currency.

We see "paper gold" as a logical solution to the world's monetary ills, relieving current overdependence on dollars and gold. It will not solve all of the United States' domestic and international monetary deficits. This country still must get its fiscal house in order. Indeed, until it does, there is small hope the Special Drawing Rights plan can begin effective operation.

We urge Congress to give the President's request high priority in the hope that the 10 percent surcharge and mandatory government spending cuts now before Congress, along with other proposed curbs on dollar outflow will put the United States in a position to provide the economic stability so necessary for success of this farsighted attempt to bring order out of the chaos of world finances.

HUMAN RIGHTS VALID SUBJECT FOR TREATIES

Mr. PROXMIRE. Mr. President, a common objection to the ratification of the human rights conventions is based on the theory that human rights is not an appropriate subject for international treaty. Those who are opposed to the pacts on the political rights of women, abolition of forced labor, and genocide argue that these matters belong within the domestic domain of a nation; that the protection of the rights of man has no place in international affairs.

Mr. William Gerber, in a report entitled "The Human Rights Protection," contained in the Editorial Research Reports series, refutes this objection. In one concise passage, he traces the evolution of human rights in international treaty and shows its vital role today. The Senate can carry this evolution one step further by ratifying the Conventions on the Political Rights of Women and the Abolition of Forced Labor. I ask unanimous consent that a portion of Mr. Gerber's report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEGOTIATION OF TREATIES ON INDIVIDUAL RIGHTS

International law respecting the preservation of human rights evolved through various stages:

First, it was recognized that citizens of state A residing temporarily in state B could not rightfully be mistreated by the latter. Thus, according to an early writer on international law, "It is reckoned among all nations inhumane to treat visitors and foreigners badly without some special cause."

Later, it became apparent that, in the words of a distinguished British scholar, "the individual in his capacity as an alien enjoys a larger measure of protection by international law than in his character as the citizen of his own state." To overcome this anomaly, some world powers in the 19th century made representations to other states regarding persecution by the latter of their

own nationals—for example, the persecution of Christians in Turkey and of Jews in Czarist Russia.

Finally, formal treaties were entered into for the purpose of protecting the rights both of aliens and of nationals. Such treaties included, among others, a series begun in 1864 (particularly the Hague conventions of 1897 and 1907) on rights of civilians, prisoners of war, and others in time of war; treaties of 1890 and 1922 abolishing the slave trade and slavery; treaties of 1919 governing the treatment of minorities in Eastern Europe and the Balkans; the inter-American convention of 1933 on the nationality of women; and the four-power agreement of 1945 on crimes against humanity (governing the Nuremberg trials).

The post-World War II peace treaties with Bulgaria, Hungary, Italy, and Rumania contained general provisions aimed to assure "the enjoyment of human rights and fundamental freedoms" without discrimination.

FORESTRY COOPERATIVES DOING A GOOD JOB

Mr. HART. Mr. President, two forestry cooperatives in my home State of Michigan received recognition in the April issue of News for Farmer Cooperatives, a monthly magazine of Farmer Cooperative Service, U.S. Department of Agriculture.

A series of articles in the publication discusses the potentials for forestry cooperatives in this country. I was glad to see the cooperatives in my State used as an example of how owners of smaller woodland tracts can join together to make more money from these tracts, reduce their costs, and manage them more effectively.

Let me quote what Edward P. Cliff, Chief, Forest Service, wrote:

Au Sable Forest Products Association, East Tawas, Mich., is an example of a successful pulpwood producers' cooperative. Membership in this association varies from year to year, depending on producers' marketing needs. Over the past decade, membership has averaged about 135 producers making round wood sales totaling $350,000 a year.

An example of a processors' cooperative is Michigan Forest Products Cooperative, Inc., Saginaw, an association of 86 small sawmills and pallet producers.

Through membership in the cooperative, small mills have drastically reduced their compensation insurance rates. They are also obtaining group rates for their employees on accident, medical, and life insurance.

This cooperative purchases supplies and equipment for its members at reduced rates, assists members with marketing on a request basis, and helps seek solutions to mutual problems of industrywide concern. To illustrate, ways of reducing air polluition caused by mill waste burners are being studied.

Au Sable is a good example of how people working together can help solve some of their own economic problems—certainly something we want to encourage.

Woodland owners can call on the Department of Agriculture for help for existing cooperatives or for advice on possibilities of starting a new association. Michigan has a great deal of woodland and should be making the best possible use of this natural resource.

David W. Angevine, Administrator, Farmer Cooperative Service, outlined how this agency can and is helping:

Under our specialized cooperative research program and in cooperation with the West Virginia University, we're studying the economic feasibility of forest management, processing, and marketing cooperatives. We are discovering, for example, how woodland owners react to the possibilities of using cooperatives to manage the timber stands and to process and market their wood . . .

Under our cooperative marketing and farm supplies program, our staff is helping groups of rural people use research and approved business practice to operate their cooperative enterprises. Over the last year we have aided half a dozen forestry-based groups, and we expect these requests to increase.

Mr. Cliff also discussed in his article how groups can get help from the Department. He said:

The U.S. Department of Agriculture, working with the States, can assist in establishing forestry cooperatives. Help is available in every State through the State Technical Action Panels. In 32 States these Panels have organized Forestry Cooperative Advisory Groups to provide the services of specialists in cooperative formation, of foresters, and of financial specialists . . .

Services of these specialists can be obtained by contacting the Chairman of the State Technical Action Panel, usually the State Director of the Farmers Home Administration.

The USDA Committee on Forestry Cooperatives (consisting of representatives of eight USDA agencies) in Washington, D.C., has developed guidelines and furnishes information for the use of State Forestry Cooperative Advisory Groups, development groups, and others interested in forestry cooperatives.

DIALOG ON IRS PRACTICES

Mr. LONG of Missouri. Mr. President, on January 17, 1968, my Subcommittee on Administrative Practice and Procedure held a hearing on various constitutional and administrative problems of enforcing Internal Revenue statutes.

The subcommittee was pleased to have as a witness Mr. Vincent L. Connery, president of the National Association of Internal Revenue Employees—NAIRE. Mr. Connery was accompanied by Mr. John Brady, Mr. Glenn R. Graves, counsel; and Mr. Michael Flattery, management relations adviser.

The testimony presented by the NAIRE delegation was extremely critical of certain IRS management attitudes and practices. They singled out for particular criticism the use of a quota system and IRS snooping on its own employees. It was also pointed out that morale in the IRS is very low at the present time and that this was reflected in the extremely high turnover rates of recent years.

Because of the nature of this testimony, the subcommittee asked Mr. William H. Smith, Deputy Commissioner of IRS, who was present at the hearing, if he would care to comment on Mr. Connery's remarks. Mr. Smith indicated that he would prefer to study the hearing transcript and submit written comments thereon at a later date.

Accordingly, the IRS submitted its comments on the NAIRE testimony on January 25, 1968. NAIRE, in turn, later submitted its rebuttal to the IRS rebuttal.

An interesting and healthy dialog has developed as a result of the initial NAIRE testimony before my subcommittee.

The latest issue of the NAIRE Bulletin, dated May 1–15, 1968, summarizes this dialog, which I think may be of considerable interest to the public.

I ask unanimous consent that the summary from the NAIRE Bulletin be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PRESIDENT CONNERY'S RESPONSE TO COMMISSIONER COHEN'S COMMENTS ON CONNERY'S TESTIMONY BEFORE THE LONG COMMITTEE

The February 15, 1968, issue of The NAIRE Bulletin carried the complete text of President Connery's testimony before the Senate Subcommittee on Administrative Practice & Procedure (Long Committee) on January 17, 1968. Late in February an IRS official informed Mr. Connery that Commissioner Cohen had written to Senator Long commenting on the Connery testimony; the IRS official asked if NAIRE would publish the IRS comments in The NAIRE Bulletin. Mr. Connery agreed, and on March 12, 1968, IRS furnished NAIRE headquarters a copy of Commissioner Cohen's letter of January 25, 1968, to Senator Long.

In his January 25th letter the Commissioner set forth ten numbered excerpts from the NAIRE testimony followed by a "Comment" on each issue excerpted. This letter was circulated within IRS on a nationwide basis down to at least the first supervisory level. In many instances the NAIRE testimony and IRS comments were discussed with employees.

While NAIRE has no desire to extend and prolong the debate on these issues, being primarily concerned with the need for corrective action by IRS, the tack taken by the IRS staff in preparing Commissioner Cohen's comments called for further action by NAIRE. Therefore, by letter dated April 11, 1968, addressed to Senator Long, President Connery submitted NAIRE's response in the form of observations on the IRS comments. Set forth below are the IRS-selected excerpts from the NAIRE testimony, the IRS comments, and the NAIRE response to each comment.

NO. 1

NAIRE testimony: Equally significant, however, is the fact that the controversial techniques (illegal eavesdropping) used were ordered, authorized, tolerated, sanctioned, or condoned by responsible IRS management officials . . .

IRS comment: The best response to this charge is to be found in my statement before the Subcommittee on Administrative Practice and Procedure on April 4, 1967, pertinent parts of which are as follows:

"As the picture has unfolded internally and before the Subcommittee, those relatively few working level agents who had actually engaged in illegal eavesdropping were operating under orders from intermediate level supervisors. Such supervisors had moved in isolated cases under the rules of the road as they understood—or misunderstood—them at the time. The more remote supervisors, who had no actual knowledge of illegal investigative acts, but who pressured for successful investigations and authorized technical training and the acquisition of electronic equipment, were perhaps not farseeing enough."

"In sum, the picture becomes with hindsight one of unfortunate breakdowns in understanding between our top National Office officials and the far-flung investigative posts. As you, Mr. Chairman, have publicly recognized, it is most difficult to affix blame on particular individuals under these complex circumstances."

NAIRE response: This is a two-paragraph illustration of how to plead "Guilty" in a way that sounds remarkably like "I didn't do it." It is a fairly brilliant exercise of literary

composition and should probably be printed in the Official Federal Manual of Management Doublethink. But it hardly advances the discussion before this Subcommittee.

To cull one hard example from any possibilities—We say the admitted IRS snooping was "ordered, authorized, tolerated, sanctioned, or condoned" by management officials. They say the management officials who pressed for investigations and provided the snooping gear to the field men were "perhaps not farseeing enough." Why did they add "perhaps"? Aren't their standards as managerial competence as high as those for the hard-working souls in the field—who have thus far been saddled by an adroit management with the lion's share of the blame? Or is it simply that a "good" manager is one who can arrange things so that his subordinates catch hell for his own miscalculations?

NO. 2

NAIRE testimony: Aside from outside pressures, however, it is our considered judgment that certain IRS management policies and procedures tend to generate and foster a climate in which offensive practices may well take root and flourish. We have in mind specifically management's emphasis on quotas and production goals.

IRS comment: We categorically deny that our policies and procedures cause a climate in which offensive practices may take root. We assume that in making this statement Mr. Connery really has in mind what he perceives to be an emphasis on quotas and production goals, since he goes on specifically to mention this. Herein, let me assure you there are no quotas in the Internal Revenue Service, nor do we have production goals in the sense clearly implied—that is, in the sense of goals for individual employees.

In order to manage its operations effectively the Revenue Service has production goals as an organization. Indeed, the Congress itself expects the Service to be able to produce a quantitative picture of its accomplishments. Certainly, it is understandable that Congress would want to know what we have accomplished with the money it has appropriated to us and what we expect to do with future appropriations.

The Internal Revenue Service therefore compiles national, regional, and district figures upon which these estimates and projections can be made. However, we strictly prohibit supervisors of enforcement officers from establishing individual employee quotas and keeping track of employees' quantitative production. To the contrary, we encourage supervisors to know and understand their subordinates' overall work record. We foster the idea that a job well done does not necessarily mean one done in haste or productive of the most revenue. We have had cases where supervisors, despite our best efforts to provide adequate guidance, have compiled individual statistics or made invidious comparisons of production between employees. Whenever we have learned of such a practice we have moved summarily to stop it.

NAIRE response: Another interesting non sequitur.

IRS admits the use of national, regional, and district production goals.

IRS also admits that in spite of its best efforts local supervisors sometimes keep books on employees and make "invidious" production comparisons.

But IRS concludes—with a straight face—that its policies and procedures categorically do not provide a climate in which offensive practices may take root.

Over-all, this response is so self-defeating on its face that it makes one wonder whether the staff that drew it up is being serious with this Subcommittee or indulging a high level game of cat and mouse.

Less obvious is another fatal error in the reply: the apparent assumption that the production "system" does not break down until some supervisor starts keeping an actual statistical log on his men. The hard and unpleasant truth is that the system can and does generate inordinate production pressures regardless of whether a supervisor happens to resort to the crude device of an actual log or written production record. These pressures are inherent in the system itself and in precisely that sense IRS policies do tend to foster a climate in which offensive practices take root.

NO. 3

NAIRE testimony: The IRS employee himself is sometimes the victim of invasions of privacy. Consider the case of Mr. Brendan J. Hagarty who was convicted of perjury on the basis of evidence obtained and supplied by IRS inspection.

IRS comment: The Hagarty decision remains subject to further appellate review. Accordingly, we cannot discuss our position in detail. In passing, however, we note that the critical electronic surveillance occurred in January of 1963—more than four years before the Attorney General's restrictions on such activity were put into effect and almost five years before the Supreme Court ruled on investigative techniques of the nature involved.

NAIRE response: Among other things, Hagarty involved the secret tapping of telephone conversations, without the consent of either talking party. This practice was expressly outlawed in 1934 by a Federal statute. The fact is that Hagarty-type wiretapping of employees should have been forbidden by the Commissioner—or at least by the Secretary of the Treasury—for the last 30 years or so. And they could have been. The reference to the Attorney General's administrative "restrictions" is a red herring. It is not the Attorney General but the Secretary of the Treasury who is the departmental head of IRS. At least he is supposed to be—and if he no longer runs the Service, it's high time we—the employees, Congress, the public—were let in on the subcontracting of administrative control.

Also involved in Hagarty was the secret tape recording of an Inspection interview of the employee.

Has this practice also been completely banished in IRS, along with wiretapping and wallbugging? The Commissioner's response does not say. We think it should have. We think the suggestion that IRS has turned over a new leaf—repeatedly stressed in IRS press releases—would gain in credibility if the Commissioner would make a flat statement that Inspection interviews will never again be tape recorded without the explicit consent of the employee.

NO. 4

NAIRE testimony: Morale in IRS is very low; the turnover rate last fiscal year was higher than ever.

IRS comment: It is always difficult to measure an intangible like morale and we are reluctant to characterize this subject with the same certainty Mr. Connery brings to it. All we can say is that we do not believe there is evidence that indicates that morale generally is low. To the contrary, on the basis of the evidence available to us we would conclude that morale in the Internal Revenue Service is relatively high. Morale is made up of many elements and any attempt to measure it has to take into account a number of underlying factors that influence morale. Employees often have strong feelings on these factors, and these feelings are likely to carry over to other matters. For example, if an employee is dissatisfied about salary levels or is housed in poor office space, he will tend to cast a jaundiced eye on his employment in general.

Morale is not all it should be in the case of Revenue Officers—those employees engaged in the collection of delinquent taxes and the securing of delinquent returns. We are working to pinpoint causes of dissatisfaction and do what we can to overcome them. We believe the basic problem here lies in the nature of the work and in the unjustified obloquy and abuse, and sometimes physical assault, that Revenue Officers are subject to.

On the whole, we would agree with the independent findings of the Civil Service Commission, made after a nationwide inspection of the IRS offices. The Commission said in 1966: ". . . Contributing in no small measure to the success of these efforts is the Service's remarkable esprit de corps.

"We were impressed throughout the inspection with the extremely high degree of enthusiasm and support for the Service's mission shown by all representatives of the Service with whom we came in contact, from top management on down."

Similarly, turnover is another area that needs careful definition. If we consider the over-all separation rate which reflects the number of people leaving employment for all reasons, the turnover rate has dropped. In FY 1967 the over-all separation rate for permanent employees in the Internal Revenue Service was 16%, a drop of 3.4% from FY 1966.

Our separation rate compares very favorably with that of other Federal agencies employing large auditing work forces. When one considers also that Internal Revenue Agents are frequently offered lucrative positions by private firms specializing in tax matters, our turnover of professionals is normal in today's labor market.

NAIRE response: Without knowing the sources and method of calculation, we naturally cannot comment on the accuracy of the turnover rate offered in the response.

We do, however, know something about Civil Service Commission inspection techniquse. They are—as any competent observer will tell you—totally worthless as an index of employee "morale".

We fully concur with the observation that morale is flagging among Revenue Officers. Our own sources suggest that the morale problem extends pretty far beyond this occupationad group—including workers in Service and Data Processing Centers, whom the statement does not even mention.

NO. 5

NAIRE testimony: A good example (of highhandedness and arrogance) drawn from our own experience is the sorry history of foot-dragging and delay by IRS as NAIRE sought to obtain for all IRS employees the right to counsel during investigations which might result in their discharge or loss of earnings.

IRS comment: This is not a new issue but has been called to Congressional attention on at least two previous occasions. On August 3, 1966, NAIRE issued a press release on the subject and we wrote you a letter on the problem on August 17, 1966. Again, in testimony before the Subcommittee on Constitutional Rights of the Committee on the Judiciary on September 29, 1966, Messrs. Connery and Graves, representing NAIRE, both spoke to this issue. My letter of December 20, 1966, to Senator Ervin, once more responded to NAIRE's charge.

Because we have been over this ground on a number of occasions I think the simplest way to deal with the matter is to quote from my letter to you of August 17, 1966: "The facts as presented in the release are, essentially correct. I can very readily understand NAIRE's impatience with the amount of time required to formally issue the policy statement. Ironically, the NAIRE statement was issued at the very time the policy was in its final clearance stages. In fact, I formally approved the policy statement for issuance on August 5. A copy of the NAIRE press release announcing its issuance is attached.

"I personally regret that it took us as long as it did to complete action on our part. Not because I believe the required time was excessive, but rather because it gave rise to suspicion and misunderstanding.

"We expected back in February that the internal reviews and clearances would be completed quickly. Unfortunately, this was

not the case. Questions regarding the relationship of the proposed policy statement to the statute prohibiting unauthorized disclosure of tax information and the Supreme Court's decision in the Miranda case were raised and had to be answered before it could be issued.

"The basis for the delay had been communicated to NAIRE along with the assurance that the Service would honor its commitment to issue the policy at the earliest possible date.

"As evidence of our sincerity, the Inspection Service early this year issued instructions permitting employees to have counsel present during interviews. Between February and June 30 of this year, seven employees requested the presence of counsel at Inspection interviews. All of these requests were approved, although two employees subsequently did not actually appear with counsel. These interviews involved both possible criminal and administrative offenses.

"It is regrettable that our inability to issue the policy statement earlier introduced a discordant note into what has otherwise been a very constructive and co-operative joint effort."

I hesitate to characterize this complaint as beating a dead horse but I do not know what else to say. We are still sorry this delay occurred although in the circumstances it was understandable.

NAIRE response: This is an example of how to say "We're guilty but let's hear no more about it."

Inasmuch as IRS has concededly lost on this issue, their anxiety to label it as a "dead horse" is understandable. We suggest, however, that the burial of this particular issue might be a trifle premature. The response states that the delay in keeping the official IRS word was not excessive. We think it was. We think a year-long delay in IRS delivery on a purely administrative action it promises in a short time is explainable on only two possible grounds: arrogance or ineptitude. It should not be so lightly dismissed and forgotten as the response would propose.

The management position would of course be easier to swallow if it were not also hypocritical. What, after all, does IRS management consider a reasonable period of delay when dealing with a delinquent taxpayer? We all know the answer and NAIRE strongly resents management's application of a double-standard to its own employees.

NO. 6

NAIRE testimony: What is worse, the right to counsel in administrative cases proved to be illusory. The language of the regulation, as it finally emerged, provided that the Regional Inspector will "permit such representation as he deems in the best interest of both the Service and the employee".

IRS comment: The word "illusory" implies that we held out hopes that did not materialize or otherwise failed to deliver on a promise. This is not true. The Service's position on this matter has been clear from the outset and NAIRE gave every appearance of understanding this.

In order to provide for the orderly conduct of the public business, Service executives, managers, and supervisors have to have direct access to subordinates on matters of an official nature. In this respect the Inspection Service—both the Internal Audit Division and the Internal Security Division—acts as an arm of management in gathering facts relating to the efficiency and integrity of the Internal Revenue Service. Obviously, in order to do this Inspection representatives must have free and open access to talk with an employee when circumstances so warrant. To say that Inspection cannot talk to an employee on administrative matters without the employee's counsel present is to say, in effect, that the Commissioner cannot discuss work matters with an employee without the employee's counsel being present. No business operation, private or governmental, could function effectively if such a condition were imposed on the workaday communications between supervisors and employees.

A representative of the employee is authorized, as a matter of privilege, during Inspection investigations of noncriminal matters provided the representative is an attorney and member of a bar in good standing who is not employed in any capacity by the Internal Revenue Service.

NAIRE response: On the one hand, IRS is saying that Inspection should have untrammelled access to an employee on a noncriminal matter. On the other hand, they will permit counsel provided the employee can afford the services of an attorney not employed by IRS. Furthermore, they are saying that an Inspector is qualified to determine not only what is in the best interest of the Service, but also what is in the best interest of the employee. In other words, the Regional Inspector, or the Assistant Commissioner (Inspection) is in a better position to determine what is in the employee's best interest than is the employee or a union representative.

If this doesn't render the "right" somewhat "illusory", then we don't know what would.

NAIRE also has evidence that Inspectors frequently try to "persuade" employees not to request counsel—arguing, among other things, that this might tend to blow up an otherwise routine investigation into something bigger. Given the inherently coercive nature of the Inspector-employee relationship, this represents a substantial cheapening of the highly qualified "right" to counsel IRS has provided in its regulations.

NO. 7

NAIRE testimony: . . . under the Inspection scheme (the lawyer) is afforded no leeway whereby he can provide the employee any genuine representation. At one recent interrogation in the IRS National Office, for example, when the employee's attorney sought to ask some questions about ground rules at the outset, he was told by the Inspector that he had no right to ask questions. Incredible as it may seem, the stenographer was also later directed not to transcribe certain remarks made in behalf of his client by the attorney; the interrogation was summarily terminated by the Inspector because of his displeasure with the direction the dialogue was taking; and when the attorney later sought to obtain a copy of the transcript including some of his observations, IRS refused to furnish it.

IRS comment: The case cited here apparently refers to an employee who resigned on January 12, 1968, after charges looking to his removal were prepared. The investigation had established that the employee engaged in homosexual acts and that he had lived and associated with known and admitted homosexuals.

Mr. Connery contends that the attorney for this employee was not permitted to provide his client genuine representation; that the interview was summarily terminated; and that a copy of the transcript was refused him.

The facts are that an interview with the employee was rescheduled four times for the convenience of the employee; that the employee's attorney insisted at the outset of the interview that he be permitted to tape record the entire proceedings; and that he bring with him an individual whom he purported to be a consultant on homosexual affairs. When this request was refused, an impasse was indeed reached, the interview was not commenced, the employee was not talked to, and the discussion with the attorney was terminated.

In regard to the attorney being denied a copy of the transcript of the interview, as stated, none was held.

NAIRE response: Just so the record will be free of any hint of ambiguity—everything NAIRE asserted is true; nothing IRS says rebuts it; and some of the implications management tries to leave in the record are untrue in the most despicable sense of the word.

The attorney in question was not permitted to provide genuine representation for his client; the interview was summarily terminated by IRS (over his objections, in fact); a copy of the transcript was—and still is denied to him.

Fortunately, this particular dispute need not degenerate into a swearing match. There are two avenues by which the NAIRE position can be clearly substantiated:

(1) The sworn affidavit of the attorney, a distinguished official of the Civil Liberties Union and a former associate of Commissioner Cohen in private practice.

(2) The actual transcript of the meeting, which does exist and is presently in the custody of one Stanton Hunter, Esq., an attorney in the Office of Chief Counsel.

In tone and language the entire IRS comment is disingenuous in the extreme. The concluding sentence is phrased to suggest that there is no transcript, when in fact there is. The officials who drafted it also saw fit to becloud the genuine issues of procedural fair play by disclosing the nature of the suspected employee misconduct—disclosures which, because irrelevant, are nothing short of shameful and lascivious.

NAIRE can prove what it alleges here. We welcome any challenege IRS may wish to offer.

NO. 8

NAIRE testimony: NAIRE recently represented an employee in a case in which IRS Inspection completely disregarded the rights and human dignity of a third party who was not a Federal employee. During the course of the investigation, which was of noncriminal type, Inspection wished to interrogate an insurance company clerk. However, they did not attempt to ascertain from the clerk first of all whether she would consent to talk to them; secondly, they never asked her whether she would select her home, place of employment, or the IRS office as the site for the interview. Instead, the two-man team of IRS inspectors went directly to an official of the insurance company who called the clerk from her desk, took her to his private office, and left her alone with the Inspectors. She was a captive and embarrassed witness, fearful for her job if she failed to "co-operate". An interesting sidelight is that while that team was interrogating the bewildered young woman, another two-man Inspection team was interrogating the hapless employee in the IRS office. He was not released by the Inspectors until after the interrogation of the insurance company clerk had been completed.

IRS comment: This is a distorted account of Inspection's interview of a female insurance company clerk who was a third party witness in an Inspection investigation of an IRS employee. She was interviewed at her place of employment with prior permission of the company's personnel officer and her supervisor and it was conducted in the privacy of the supervisor's office. It was purposely conducted at the same time the IRS employee was being interviewed to preclude a reasonable possibility, based on knowledge of a close personal relationship between the insurance company clerk and the IRS employee, that the IRS employee would guide her testimony if given opportunity to do so.

At no time during the interview did the insurance company clerk display any resentment, reluctance, or embarrassment. She freely responded to all questions, except one, and voluntarily and freely discussed her relationship with the IRS employee. The one

question which she declined to answer concerned whether she was in a Government automobile with the IRS employee on a particular occasion. She stated she would decline to answer that question as she did not want to cause any trouble for the IRS employee. Her reason for declining was accepted and she was not pressed for additional response.

Throughout the interview the insurance company clerk gave every appearance of being satisfied with the approach used and the interview ended amicably.

NAIRE response: IRS admits the facts set forth in my statement of January 17th. However, as an alibi for Inspection, they resort to the technique of the "big smear". They defend Inspection tactics by insinuating that the IRS employee would have prevailed on the insurance clerk to lie, and that the insurance clerk would have lied at the behest of the IRS employee. The Inspectors allege that the lady refused to answer a question as to whether she was in a Government car with the IRS employee on a particular occasion. However, IRS fails to mention that in an affidavit and in sworn testimony at a hearing, she unequivocally denied that she had ever ridden in any Government car with the IRS employee at any time or on any occasion.

NO. 9

NAIRE testimony: An employee may be compelled without notice to take an oath, submit to prolonged questioning, and give an account of himself without being apprised of the reasons for the inquisition; he can be confronted with an affidavit prepared by Inspection and required to decide whether to sign it—without even a chance to take it home and read it. And running throughout all such interrogations is the employee's fear that, even if he is totally innocent of all wrongdoing, he may still be cashiered for a failure to "co-operate" with the internal investigative unit of IRS itself.

IRS comment: Any such statement or affidavit made by an employee during an Inspection interview becomes a part of the Inspector's report on what the employee said during the interview. As such it is an integral part of the file, no matter what action is subsequently taken by the employee.

The employee has a number of alternatives with regard to reviewing and signing a statement, which give him every opportunity to ascertain its accuracy. Any employee may:

(1) if he so desires, sign the statement;

(2) correct the statement and then sign it; that is, if he feels it needs clarification, or editing;

(3) not sign the statement at all;

(4) prepare any supplementary statement, whether or not he has signed the original statement, to clarify or to correct the record if he feels it is erroneous.

There is no penalty for refusal of an employee to sign a statement or affidavit.

NAIRE response: The IRS comment does not dispute any part of my statement of January 17th, on which I stand.

NO. 10

NAIRE testimony: In another recent case in which NAIRE was representing an employee who had been demoted, some more restrictive IRS policies came to light—for the first time so far as we were aware. This situation involved IRS management officials not Inspection.

The employee-appellant was in the Training Division of the National Office. The Training Division Director took the position that the employee's lawyer could not interview any IRS employee (even with his consent) unless the lawyer or his client had set up the appointment. The lawyer's view—which we support as perfectly reasonable—was that he had a right to interview any IRS employee so long as (1) the employee consented to see him; and (2) the interviewee adhered to internal rules governing annual leave. The dispute was carried directly to Commissioner Cohen and, to our regret, he unequivocally upheld the Director's view as proper IRS policy and practice.

In the same case the IRS lawyer, on the other hand, claimed an absolute right to compel any IRS employee to submit to his interrogation even without employee consent, in an effort to develop the case against the employee-appellant. Such discriminatory power was claimed under a specific IRS regulation, one of the IRS Rules of Conduct. This issue was also carried to the Commissioner. Regrettably, he saw fit not to intercede in the case and declined to overrule the position espoused by the IRS counsel.

IRS comment: Mr. Connery's statement adverts to a controversy that arose during NAIRE's representation of a demoted Training Division employee. The employee appealed his demotion to the Civil Service Commission, and was represented by a NAIRE attorney. In connection with an anticipated appeal hearing, this attorney approached some of our Training Division employees at their desks during working hours, and sought to interrogate them on the case, without regard to their work assignments. When this came to the attention of the Acting Director of the Training Division, he requested the attorney to desist from thus interrupting the employees without first clearing with him.

The attorney then wrote directly to me (by-passing the IRS attorney known by the NAIRE attorney to be handling the case) asserting his right to "direct and unfettered access to IRS witnesses". It was then and is now my view that no practicing attorney has an "unfettered" right to interrupt our employees at their work without any notice to their supervisors.

A few days later, the NAIRE attorney wrote directly to me again, this time complaining of the manner in which the IRS attorney was preparing for the hearing. His complaint was based on no relevant issue or factual occurrence, but pertained solely to the right of the IRS attorney to interview IRS employees on matters of official IRS interest.

It was then and is now my view that our attorneys, if they are to perform their duties effectively, must have the co-operation of IRS employees in matters of official interest. Any other position would deny the Service the full legal representation to which the public's business is entitled.

As a further irony, we even provided ground rules to the employee-appellant designed to give him access to employees; these were ignored.

NAIRE response: Again, everything NAIRE alleged is true; nothing IRS says in reply refutes it; and some of the things IRS says are absolutely false.

The NAIRE attorney, for example, did not "approach" any IRS employees or "seek" to interrogate them "without regard to their work assignments". He interviewed two high-level employees, first having received their consent by telephone (and advising them that they did not have to talk to him), at times and places chosen by them. Nor did he ever assert the right to totally unfettered access to IRS employees on the job. What he did assert was his right, as outside counsel, to interview IRS witnesses (a) with their consent and (b) subject to the requirements of annual leave.

The real subject of this dispute—which one would never grasp from management's comment—is the IRS procedure adopted in this case and apparently now condoned by the Commissioner.

When an IRS employee obtains counsel for his adverse action, it is the IRS position that:

(1) The appellant's superiors (the ones who took the adverse action) can compel the counsel to channel through their office his efforts to locate employee-witnesses helpful to appellant's cause.

(2) At the same time, IRS counsel has the power to compel any IRS employee—even over his objections—to submit to interrogation for the purpose of securing evidence against the appellant.

It is understandable that IRS, in its comments, might seek to obscure such a position, since its unfairness is painfully clear. Nevertheless, it is their position and NAIRE will be glad to produce their own correspondence in proof of it, should it be denied.

THE REFUGEE PROBLEM IN VIETNAM

Mr. KENNEDY of Massachusetts. Mr. President, a matter of deep concern to me for more than 3 years has been the heavy toll in human suffering—especially the extraordinary flow of refugees—brought on by the conflict in South Vietnam.

Because my views on the refugee problem are a matter of record—and because the Judiciary Subcommittee on Refugees, which I serve as chairman, will shortly issue a report on civilian problems in South Vietnam—I shall refrain from any lengthy discussion at this time.

But I am prompted to offer some general observations today, because of the new surge in the flow of refugees as a result of the Vietcong offensive against Saigon and other areas over the last 2 weeks.

I attach a special importance and significance to the refugee problem, because I believe there is nothing in Vietnam which offers a better clue to the nature and brutal results of the conflict, which defines more clearly the basic task of the Government and its allies, and which underscores more dramatically their collective lack of a sense of urgency and substantive progress in serving and protecting the people, in building up a nation, than the recent history and continued neglect of the refugees.

Mr. President, the war in Vietnam is unlike the traditional wars in history—and all of us know it. We label it unconventional. Those we are resisting label it a war of national liberation—a revolutionary effort to undermine and destroy the existing government in Vietnam and its socioeconomic pattern, and to replace it with a new order. As in neighboring Laos, the opponent presses his purpose through a combination of political action, subversion, military action, and terrorism—through determined but protracted conflict, during which the authority and infrastructure of the incumbent regime will systematically erode.

The enemy is guided by a central principle—the ideological mobilization and complicity of the people. It is they who bear the brunt of this strategy and tactics, and of the conflict produced by counteraction on the part of the Central Government and its allies. It is they who suffer as civilian casualties, who leave their homes as refugees. The care and protection of these people and their fellow citizens in distress is inevitably a key task for the Central Government and its allies.

Since early 1965, some 3,000,000 persons have been officially registered by the Saigon government as refugees. At least

1,500,000 remain officially in that status—and the number is growing daily. In Saigon, alone, more than 100,000 persons were made homeless during the last Vietcong offensive against the capital city.

But the official register is only part of the picture. At least 2 to 3 million additional persons displaced by the war are not recorded on the Government's rolls—but are found in the slums of Saigon and other cities, and in the squatter towns which dot the countryside and the outskirts of provincial and district capitals throughout the country.

It is an alarming fact, that because of the war more than one-fourth of the population of South Vietnam is displaced. The tragic and disruptive consequences of this tremendous movement to the life of the individual refugee and in the society of which he is a part, staggers the imagination and all but defies comprehension.

It plays havoc on the social fabric of the countryside. It creates a rootless proletariat in the larger cities and towns. It destroys the familiar rituals and morés of village life. It numbs the spirit of creativity and initiative, and fosters apathy and disorientation within a significant cross section of the South Vietnamese people.

The evidence is everywhere present. We see it in the shattered lives of the fatherless families who have been torn from their surroundings—from their homes, their fields, and the graves of their ancestors—from the ingredients of life which give them strength to carry on amidst great hardship.

We see it in the forlorn spirit of the mothers and children who beg and sleep in front of the bars and establishments on the streets of Saigon and Danang. We see it in the sullen faces of thousands of refugees sitting idle in camps throughout the country.

We see it in the squalor of makeshift huts built by squatters around the tombstones in cemeteries, and along Highway 9 just south of the demilitarized zone. We see it in the disruption of needed public services in Saigon and elsewhere, where refugees, for want of shelter, have taken over a school or dispensary.

Humanitarian considerations alone should compel us to make every effort to meet the needs of the displaced persons—to provide for their care and protection. But more than humanitarian considerations are involved. I believe that creative efforts to reestablish the refugees offers a clue to successful pacification, and progress in meeting the challenge of the so-called other war.

But we have not faced up to the refugee problem. We have failed to appreciate its full measure and significance. We have moved from crisis to crisis—on an ad hoc basis—with little planning or motivation—viewing the refugees more as a burden of conflict, rather than an opportunity to help win the allegiance of a significant cross section of the Vietnamese people. We have simply failed to give the refugee problem the priority it so urgently needs and so rightfully deserves.

To cite these general conditions is not to belittle the work of the many brave and compassionate individuals who have gone to Vietnam to help the refugees. Our civic action teams in the military, our AID personnel, the doctors who volunteer their sevices, and the dedicated staffs of the private voluntary agencies, deserve the respect and admiration of us all. It is unfortunate, but true, that they labor under the most difficult of circumstances—in part because they are working in war—but also because they are trying to do a job without the full support of those we have entrusted with the effective direction of the military effort and the winning of the people of South Vietnam.

Mr. President, a very genuine and active concern for the immediate and long-term welfare of these people should have always been a matter of prime importance to the Saigon government and ourselves—but especially today, given the hope all of us have that the Paris meetings will produce an honorable settlement in Southeast Asia.

The aftermath of conflict will involve a tremendous reconstruction of a tortured land and a fractured society, in which the rehabilitation of a bewildered people will be a major task.

There is little doubt, Mr. President, that our country will be deeply involved in the reconstruction process—but there is little public evidence to suggest that our Government has given the matter much systematic thought.

And so that a beginning be made in which the American people can participate, I strongly recommend that the President create a panel of experts to help identify and measure the areas of need and the resources available in South Vietnam, and to help determine our country's current and future role in the recontruction process. The panel's members must be politically acceptable to all and broadly representative of prevailing views within our country. I feel that such a panel would contribute much in helping our country to meet its responsibilities to the Vietnamese people in an orderly way and to the best of our ability.

The disheveled state of Vietnam's society, reflected in the extraordinary flow of refugees, dramatically underscores the task which lies ahead.

A NEW GENERATION IN POLITICS

Mr. HART. Mr. President; the skilled political writer, David Broder, observed in the Washington Post Tuesday the new sense of involvement that the McCarthy presidential campaign is giving many of the Nation's young people.

I read his piece with fascination because I have had first-hand experience with the McCarthy phenomenon. Several of my children have been heavily engaged in promoting the Senator's candidacy.

If I can do so without violating my declared neutrality in the Democratic presidential derby, I should like to observe that the new sense of involvement these youngsters are finding is a very heartening development to at least one father.

These young men and women are discovering—perhaps to their own surprise—that they can have an influence on events, that the national political system is not rigidly structured and controlled by an elderly and inflexible establishment.

This return to active public life by many of our most talented young citizens already marks the McCarthy campaign as having made a fine contribution to the political health of the Nation.

Senator McCarthy's sensitivity and courage are understandably attractive to the young, as they should be to us all. Indeed, the quality and ability of those active in Michigan for Gene McCarthy reflect great credit on our colleague, whatever the verdict of the Democratic National Convention, history's verdict is clear that he has elevated our political life and enthused to particpte activity many of our finest citizen, young and not so young.

Probably I should make it clear that I am also prepared to make equally admiring remarks about Senator Kennedy and Vice President Humphrey. There is no Democratic candidate who would not have my strong support in the general election.

But this one aspect of the 1968 campaign is a particularly refreshing one and I ask unanimous consent that the Broder article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

McCarthy Challenge Attracts a New Generation to Politics

Omaha, Nebr.—It was Sunday morning in the abandoned auto showroom that is the McCarthy For President headquarters in Omaha, and the volunteer "shape-up" was taking place.

A young man with a bullhorn was standing in the middle of the vast floor. A canvass captain would hand him a slip of paper and he would sound off:

"I need five volunteers for Ward Four—five for Ward Four."

In groups of two or five or ten, scattered around the floor, the college kids from Iowa and Illinois and Texas and Missouri were waiting, sleep still in their eyes. The Saturday night party had been a good one, and they looked somewhat the worse for wear. But there was little delay in filling the canvass quotas. They would stand, stretch and come forward to receive their instructions.

One's mind went back, and one remembered similar scenes. These same kids or their brothers and sisters had come to Manchester, to Milwaukee, to Indianapolis and now to Omaha, bringing their bedrolls and battered suitcases with them, to spend their weekend working for McCarthy. One knew, with certainty, that whatever the results in Nebraska today, they will be coming again, by bus and by car, to work in the Oregon, California and South Dakota primaries.

This is the great thing McCarthy has done. He has involved a whole new generation in politics—and what marvelous young people they are. As he prophesied his challenge to President Johnson channeled at least some of the energy and the idealism of the campus protesters into legitimate channels of politics.

In a sense McCarthy's own fate has now become irrelevant. The student workers think they have accomplished their major goals of denying President Johnson renomination and forcing a start of peace talks on Vietnam. No one can prove them wrong.

If they fail to win their third objective, McCarthy's nomination, they seem realistic enough to accept that.

The whole history of our political era shows that efforts which fall short—or even fail utterly—of their objective nonetheless

can leave behind the seeds of future triumphs.

The Democratic Party for a decade lived off the ideas that were generated, the enthusiasms that were kindled and the talent that was brought into politics in the Adlai Stevenson campaign of 1952.

Similarly, many of the young Goldwater enthusiasts of 1964 undoubtedly will emerge as Republican leaders of the 1970's.

But perhaps the most pertinent parallel to the McCarthy movement—for those of us who can remember that far back—was the struggle on the college campuses, centering on the American Veterans Committee (AVC), immediately after World War II. A generation of idealistic GIs found themselves locked in battle with the Communist cadres for control of the AVC. So bloody was the strife before the non-Communists liberals won that the organization itself was in ruins. AVC failed, but the survivors have a lesson in politics of immense value, and many of them have gone on the prominence in both parties.

I think it is predictable that the McCarthy movement will yield greated future dividends than either AVC or the Stevenson campaign. The AVC fight taught chiefly the tactics of parliamentary maneuver and the caucus and convention strategy. Its most distinguished alumni—men like Rep. Richard Bolling of Missouri, the liberal Democratic strongman of the House Rules Committee, and F. Clifton White, the conservative Republican who organized Goldwater's nomination.

The Stevenson campaign veterans—men like Arthur Schlesinger Jr. and Willard Wirtz and John Gilligan and George Ball—practice the politics of aristrocratic eloquence that reflects the man who was its source. But the Stevenson campaign experience was also a limited one. Its precinct work, for example, was confined largely to white middle and upper class areas, and in states like California, where the Stevenson heirs are still in control of the Democratic Party, this weakness shows up.

The McCarthy campaign has been an inclusive political curriculum. Its leader has set a Stevensonian example of eloquence, and his rapport with the intellectuals and upper-class whites of both parties is exceptional.

But his disciples have also had lessons in convention in-fighting from their bruising (*and mostly* losing) battles in Minnesota, Iowa and other states. And their canvassing has taken them, like their predecessors in the Stevenson movement, into all parts of America—farms and ghettos, suburbs and city apartments.

You cannot talk to the McCarthy volunteers without knowing that as they have been explaining McCarthy, they have also been discovering America.

That is why, whatever his own fate this year, McCarthy was right when he told the University of Nebraska students Sunday, "What has happened in our campaign will not be a footnote in history but a part of the main text."

PARIS PEACE TALKS AND THEIR RELATIONSHIP TO THE MIDDLE EAST

Mr. SPONG. Mr. President, the stepped-up tempo of attacks upon our forces in South Vietnam in recent weeks is reminiscent of the increased intensity of fighting in the Indochina War in 1954 when peace talks began in Geneva. The similarities of the situation then and now would indicate that the strategy of 1968 is the same as that in 1954.

We should be cognizant of the failure of the Vietnam settlement negotiated by the French in 1954, and the pitfalls in some of our other Southeast Asian agreements. We must learn from these experiences.

In addition to the delicateness of the Vietnam peace talks in Paris, we must be mindful of the threat to world peace which exists in the Middle East, and recognize that increased tension in the Arab-Israel dispute could have a marked effect upon our efforts in Paris.

The relationship between our situation in Paris and in the Middle East was pointed out with clarity in an article in the Wall Street Journal on May 13, 1968. I commend the article to the Members of the Senate, and ask unanimous consent that it be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET SQUEEZE?—MIDWEST COULD BE USED TO EMBARRASS UNITED STATES IN VIETNAM TALKS

(By Ray Vicker)

BEIRUT, LEBANON.—There is more than a hint in current Communist moves here that the Soviet Union may be hatching fresh troubles in the Middle East to coincide with the Vietnam talks that began Friday in Paris.

A little heat applied to Arab-Israeli animosities could complicate America's task no end. The U.S., already deeply mired in Vietnam, certainly has no stomach for two crises at the same time. And the Soviets are now suggesting to their Arab friends that if diplomacy finds no solution to the Arab-Israeli dispute, then "other steps" should be employed.

There is surely no reason to think that the Russians will make things easy for the U.S. during the Paris talks. And the Middle East provides the Reds with an opportunity to embarrass the U.S. and at the same time solidify its already strong foothold in the eastern Mediterranean, to help its North Vietnamese Communist friends, and perhaps to weaken the dollar as well.

"We're really worried about the Middle East situation," admits one U.S. diplomat in Europe. Almost as if in echo to his thoughts, an official of the Bahrain government, in the Persian Gulf, says, "American influence is steadily receding in the Arab world." Then, he adds, bitterly, "And can you blame the Arabs for seeing Russians as friends, when you consider that they are the only ones who are helping us in our war with Israel?"

REFLECTIONS OF BITTERNESS

The U.S., of course, has not deliberately tried to antagonize the Arabs. Its hope is that ultimately a free Israel will be living side by side with peaceable Arab neighbors, while both sides work together to improve the lot of all citizens in the area. Commendable as this goal may seem, it fails to jibe with the Arab picture of the situation. Anyone who travels through this part of the world finds most Arabs convinced that America is showing bias for Israel. This has resulted in a bitterness that is reflected in U.S.-Arab dealings at government levels. In the oil industry, in mercantile businesses and even in tourism.

This makes Arab lands fertile ground for Communist propaganda, especially now that peace talks are beginning. Soviet moves suggest that the Reds are well aware of this factor, probably hoping that any serious pressure in the Middle East could push the U.S. toward acceptance of unappetizing terms in the negotiations.

Some recent moves are indeed discouraging.

Item. Red arms have been pouring into the eastern Mediterranean; ground-to-ground missiles are currently escalating that war buildup.

Item. A Soviet naval flotilla seeks a foothold in the Persian Gulf, an area that includes the richest concentration of U.S. nonmanufacturing investments in the world.

Item. A Soviet version of the U.S. Mediterranean Sixth Fleet is now 46 vessels strong, and a landing force is being added to provide more muscle.

Item. Communist penetration of the Middle East oil industry is accelerating.

Item. Nearly everywhere in the Middle East the Soviets are courting Arabs and Iranians.

A Soviet government note is currently being studied by foreign ministries in Arab nations. It suggests that if UN diplomacy fails to dislodge Israeli troops from conquered Arab lands, than "other steps" must be employed. Moreover, the Soviets are recognizing El Fatah, the Arab terrorist compaign, as a "legitimate Palestinian Arab resistance movement." This endorsement is expected to result in increased activity by this guerrilla outfit, which has been planting mines, exploding bombs and attacking the Israelis from bases in Jordan and Syria. Such raids have stimulated Israel to massive retaliation.

As for the "other steps." Red arms portend what the Soviets have in mind. Ever since last June's six-day war, the Reds have been sending guns, planes, tanks and other equipment into Arab countries, chiefly the United Arab Republic. Rockets are being added to the arsenal in an ever increasing quantity.

The UAR showed last year how accurate a Russian Styx rocket could be by sinking an Israeli destroyer. Soviet technicians are currently in Egypt by the hundreds (some reports say thousands) to help train Egyptians in the handling of new, sophisticated weapons. Last week a vital cargo of rockets with an undisclosed range was landed at the UAR port of Alexandria.

Arabs argue that it is Israel that is escalating weaponry. They point to the recent disclosure that France's Marcel Dassault, builders of the formidable Mirage fighters, is currently testing the MD660 rocket for Israel. This is a highly mobile device with a range of 300 miles and the potential for toting an atomic warhead.

But MD660 rockets aren't due to be delivered to Israel until 1970, and now that the secret of their production is out they may never be delivered.

Admittedly, it takes more than armaments to build a fighting force, and the growing Russian-backed belligerence evidenced by the UAR's President Nasser may be all bluff, for Israel undoubtedly still has the fightingest army in the Middle East. Nevertheless, nobody can be absolutely sure that rocket rattling will be confined to noise-making only when the unstable Middle East is the site.

Moreover, some of the military buildup involves Soviet naval units. The presence of the Soviet fleet in the Mediterranean is already well known, of course. Currently, the Soviets are building a couple of helicopter carriers, and landing craft are being added to the fleet. The purpose seems to be to develop a strike force capable of landing troops in any country that might request direct Soviet military aid. In the past the U.S. has claimed the right to land troops in a friendly country. Perhaps the Communists intend to claim the same right.

The key questions that bother Allied military planners are these: What happens if an Arab nation, beset by Israel, calls for help from Russia? And what response should the U.S. make if Red troops are actually landed in an Arab country?

Last June the Russians seemed to back down from any such showdown. But a case could be made that last June's war was over so fast that the Reds were caught flat-footed along with their Arab friends. Now they may be preparing themselves well in advance for actual intervention if another fighting round develops.

This time the Soviets are trying to obtain a foothold in the Persian Gulf, as well as in the Mediterranean. Ever since Britain announced earlier this year its intention to pull out of the gulf, there has been a flurry of political activity in that area. The Trucial

states, Bahrain and Qatar, have joined in a loose federation, aimed at strengthening their positions. Iran has been voicing its claim to Bahrain, and some friction has developed over the limits of offshore oil rights claimed by each country in the gulf. Tass, the Soviet news agency, recently made it clear that the Soviets believe they have rights in the area. A small flotilla of Soviet ships is said to be sailing in the gulf now on a "courtesy" visit. Communists are seeking landing privileges in Iraq, a country that is receiving Red assistance in enlarging several military airfields.

Meanwhile, Communists are penetrating ever deeper into a Middle Eastern oil industry that has always been dominated by U.S. and West European companies. In March the first oil produced in the Middle East with the help of Russian technicians started flowing from wells in Syria. Soviet oil exploration teams are at work in southern Algeria and in Egypt's Siwa Oasis, west of the Nile. This summer more Soviet teams will fan across arid lands of Iraq, searching for oil in an agreement in which Reds furnish only technical help for a payoff in petroleum.

SECOND THOUGHTS

For years Western oil men have scoffed at Russian competition in the Middle East, averring that the Reds have so much oil at home they have no use for Arab oil. Now they are having second thoughts about this, and their rethinking indicates that Western oil companies may be encountering far more competition from Red bloc petroleum outfits.

A study by the Shell group, for instance, notes that the Soviets have a lot of oil, but some of it is in the wrong places. So as Red Bloc petroleum consumption rises, it may help East European countries to import some oil from the Middle East. Thus arrangements are being made with several national oil companies.

Explains David Barran, chairman of Shell Trading & Transport Co., London: "By establishing herself in the Middle Eastern oil scene, Russia would not only be strengthening the hand of local national oil companies vis-a-vis the Western private companies; she would also be taking steps to ensure that at least part of her expected future needs from outside Russia will be there to draw upon when she wants them."

Some financial sources in Europe also believe that the Russians would like nothing more than to bring down the dollar. The Soviets have gold reserves in the range of $2.5 billion to $3 billion, and they are fast increasing production of the metal.

So any increase in the price of gold would provide them with a trade bonanza. A doubling of the price of gold, as an example, would be akin to doubling the purchasing power of Russia in the West.

If the Soviets are convinced that the dollar can be brought down, they might think that the best way to do it would be to de-escalate but not end the Vietnam war. De-escalation would reduce chances of the conflict's spreading, to Russia's detriment. But continuation of that war at a lower level might leave the U.S. bleeding financially, with the dollar tottering to devaluation.

In any case there's no doubt that the heavier the U.S. load of trouble, the harder it will be for the U.S. to negotiate with the North Vietnamese. The Middle East offers opportunities all over the map for adding to America's burden.

VIETNAM PEACE DISCUSSIONS

Mr. McGEE. Mr. President, the toughest job I can think of right now, perhaps, outside of the Presidency itself, is the job which has fallen to Ambassador Harriman and to Cyrus Vance in Paris. Negotiating with the Communists is never an easy matter. Negotiating about the end of a war is, as Max Lerner wrote in Wednesday's Evening Star, a race between death and peace and a race that weighs much heavier upon an open society such as ours than it does upon a tightly closed society such as that run by Ho Chi Minh.

We can be sure, Mr. President, that President Ho and his colleagues consider the Paris talks a second front. We have the evidence. Some of that evidence was disclosed in another column, by Roscoe Drummond, in Wednesday's Washington Post. Their tactic is to seek to win enough on the battlefield, even while the talks go on, to exact a peace settlement in their favor. There are those who believe that Ho Chi Minh, in fact, thinks the negotiations are his key to victory, to control of the south. This theory, of course, is being put to the test by our negotiators in Paris.

Mr. President, I ask that columns I have alluded to by Max Lerner, Roscoe Drummond, and Crosby Noyes be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, May 15, 1968]

A RACE BETWEEN DEATH AND PEACE

(By Max Lerner)

The hardest death that soldiers will die on either side, and the hardest for their families to bear, will be death during the peacemaking, between now and the day when the script is signed and the guns are stilled. It is hard enough to tolerate death when a war is in full swing. It is doubly hard when there is a race between death and peace—and death wins.

The Hanoi Communist regime, which had hoped for many advantages when the peace talks finally came, has had to watch most of them vanish. Although a battle is still being fought on the outskirts of Saigon, there are no Viet Cong flags flying in any South Vietnamese city. The Saigon government, written off so many times, has survived every crisis and is functioning tolerably.

While Hanoi is still on the military offensive, it can no longer strike at will and with surprise, as it did in the Tet attacks. Within America itself Lyndon Johnson is no longer the whipping-boy for intense antiwar feeling and demonstrations. The headlines are about student sit-ins on campus issues, not war or draft. Having withdrawn as a candidate for president, Johnson can concentrate on the home and peace fronts.

The one advantage Hanoi still has is its greater capacity to support deaths while the talks go on in Paris. One other linked advantage: the American watching and responding to the talks will be totally open to view, with its campaigns, its candidates, its conflicts and inner violence. Not so North Vietnam, the secret responses of whose people we shall probably never know.

In the history of peace talks, the outcome for each side has always depended on four sets of factors: its military bargaining strength, in terms of the balance of forces in the field; the skill, will and resourcefulness of its negotiators; the strength and leadership of the people, for whom the negotiators are speaking; the climate surrounding both the negotiators and the nation—the envelope of ideas and emotions which contains them both.

We have been repeatedly told how difficult it is to negotiate with Communists and there can be no question that it is. But it is not because they are more tortuous or inscrutable than other elites and other power systems. It is quite simply because they take account of all the sets of factors I have cited and are especially aware of the psychological and political factors.

They know that if you stretch out the peace talks and keep up the fighting, the other side may tire of fighting in its eagerness for peace. Then you get what happened during the Korean negotiations, when so many allied lives were lost because of the slackening of patience and the will to fight.

This question of patient strength, and of good will along with firmness at the conference table, may well determine how many or how few lives are lost before the final script is signed, and whether we can escape another dismal episode like the Vietnamese war in our time.

The position of Averell Harriman and Cyrus Vance at Paris will be all the more difficult because America has fought the war in tandem with the Saigon regime and cannot help making the peace in tandem with them as well. But since it is American strength that has kept the war going, it is America which is the stronger partner in the team.

On the issue of recognizing the Viet Cong as a party to the final agreement, Saigon's veto cannot prevail. On the issue of an all-out end to bombing in the north, Saigon's stress on a reciprocal lowering of the infiltration rate into the south makes sense.

On the question of agreeing to a "fusion" or "coalition" government in the south after the peace, America cannot—either politically or morally—sign away beforehand the right of the people of South Vietnam to decide on what regime they will have. But out of the bargaining there may emerge an agreement to make the Viet Cong a legal party in later elections, provided it gives up its resort to arms and accepts the resort to the ballot.

One additional word about Lyndon Johnson. The peacemaking will be his final role as President—the role for which he has braced himself and for which he made the sacrifice of renouncing his bid for another term. It will be his greatest testing as a political leader—and he knows it. His ruling passion is to have his total presidential tenure justified by history. That is the most cogent reason for believing that he will do everything possible for a reasonable and humane settlement.

[From the Washington (D.C.) Post, May 15, 1968]

HANOI CONSIDERS PARIS TALKS AS OPENING OF A 2D FRONT

(By Roscoe Drummond)

To judge how the Paris talks are going, we need to keep in mind:

1—The best clues on the prospect of settlement will come first from the state of the fighting in Vietnam, not from the state of negotiation in Paris.

2—Hanoi's announced aim is to step up the war, pressing for battlefield gains to extract conference table concessions.

3—The Communists will be working to undermine the will to fight of both South Vietnam and the United States as the talks will almost certainly be painful and protracted, as they were in Korea, with the possibility of stalemated recesses.

These judgments do not come from guessing what Ho Chi Minh has in mind. They come from reading two of his detailed policy papers on his peace talk plans, prepared for political cadres in South Vietnam. They were found on captured enemy troops and are extremely illuminating about what to expect in Paris.

The reason why the news from the battlefronts in South Vietnam will tell more about the prospects for peace than what is now

being said in Paris is bluntly set out by Hanoi in this confidential memorandum for the VC:

"In fighting while negotiating, the side which fights more strongly will compel the adversary to accept its conditions. Considering the comparative balance of forces, the war proceeds through the following stages:

"The fighting stage.

"The stage of fighting while negotiating.

"Negotiations and signing of agreements."

Hanoi also stressed that the second stage of the war, now opening in Paris, will be marked by more fighting, not less. It put it this way:

"The future situation may lead to negotiations. Yet, even if there are negotiations, they are to be conducted simultaneously with fighting. While negotiating, we will continue fighting more vigorously."

This explains why, thus far at least, Hanoi will not say that it will not take advantage of an end to U.S. bombing or match U.S. de-escalation of the fighting with any de-escalation on its part.

This explains why North Vietnam timed its renewed offensive against Saigon to coincide with the opening of the Paris talks.

We can be sure that these Hanoi documents are a valid guide to Communist policy because they clearly state that the North Vietnamese Politburo "has been unanimously entrusted with the task of carrying out" the three-stage strategy outlined above.

They also shed light on other questions arising from the Paris conversations. For example, why did North Vietnam reject talks when the U.S. ceased all bombing of the North for 37 days over the '65–'66 holidays, but agreed to talk on the basis of a limited cessation last month?

One answer in a Hanoi document captured a year ago is that the North Vietnamese were then counting on Red China for more aid or direct entry into the war.

"What we should do in the south today," Hanoi said, "is to try to restrain the enemy and make him bog down, waiting until China has built strong forces to launch an all-out offensive."

But waiting for China to do more has been fruitless; Peking has been helping less and less, not more and more. And today, while trying to persuade Hanoi not to negotiate under any circumstances, China has become so riven with internal strife that its ability to offer Hanoi much more than words is in serious doubt.

According to its own official statements, Hanoi considers the Paris talks the opening of a second front in the war, to continue while North Vietnam seeks to win enough on the battlefield to exact a peace settlement which will give it control of South Vietnam.

Not that they will succeed. But they will try "more vigorously" and the talks, as war tactics, will be prolonged.

[From the Washington (D.C.) Star, May 9, 1968]

MOMENT OF TRUTH APPROACHES ON VIETNAM

(By Crosby S. Noyes)

TOKYO.—The Paris talks on Vietnam should at least serve to prove or disprove a gloomy theory that has been making the rounds of various Asian capitals in the last few weeks. This theory is quite simply that the agreement to hold any talks at all at this point is based on a profound mutual misunderstanding between Washington and Hanoi and a complete misreading on both sides of what the other has in mind.

Washington's calculations in pressing for talks have been no great mystery. Although there are divisions of opinion within the administration about prospects for serious negotiations, President Johnson has been followng up on a hunch relayed to him with some insistence from hic advisers in Vietnam.

In the wake of the Communist Tet offensive last February, both Gen. William C. Westmoreland, the American commander in Vietnam, and Ambassador Ellsworth G. Bunker reported on various occasions that the enemy had been badly hurt.

Both men argue that the offensive was launched in the first place because the Communists realized that the military and political situation in Vietnam was turning increasingly against them.

It was, according to this view, a desperate gamble aimed at reversing the whole trend of the war in one stunning series of military victories. And when the enemy failed, despite frightful losses, to achieve any of his major objectives, it was felt with some logic that he might at last be in a receptive mood to talk peace.

Johnson was persuaded that it was at least worth a try. He also concluded that if there was a chance for serious peace talks, that chance would be improved by his withdrawal as an active candidate for re-election.

Eventually, all of these calculations came to a head in his March 31 announcement of a partial halt of the bombing, a new call for peace talks and the declaration of his non-candidacy.

The gloomy theorists hold that this triple-barreled bombshell may well go down in history as a monumental tactical blunder. Because, if their guess is correct, what Johnson succeeded in doing was to transform a promising situation into an utterly hopeless one so far as talks with Hanoi are concerned.

The theory is based on the almost universal misinterpretation of Johnson's decisions that followed his March 31 speech. Even our staunchest and best-informed allies leaped to the conclusion that the President was throwing in the sponge so far as his own political future was concerned. And in this context his offer of negotiations was read far and wide as evidence that he was ready to throw in the sponge on Vietnam, too.

Could the leaders in Hanoi have thought differently? Their own analysis of the situation after the Tet offensive undoubtedly included a number of favorable factors. If their effort was a failure in Vietnam there was considerable encouragement to be found in the psychological flap that ensued in the United States. The mounting pressures of the political campaign, the demonstrations and riots, the recall of Westmoreland and the replacement of Robert S. McNamara as secretary of defense—all capped off by Johnson's bombshell—what better evidence could they want that the President and the nation had finally reached the breaking point?

In the pessimistic view, Hanoi's unexpectedly prompt acceptance of the offer to talk simply means that Ho Chi Minh thinks he is being invited to participate in a surrender ceremony. Although in the interval of bickering over a site for the talks our allies have been largely disabused of any such notion, there are many who still believe the North Vietnamese have settled on Paris as the ideal place to hold a victory celebration.

If so, it should not take long to find out. The coming talks in Paris, like all confrontations of this kind, promise to yield about a hundred parts of propaganda to one part of substance.

But even in the preliminary stages, it should be clear enough what kind of negotiation Hanoi has in mind.

It may be, of course, that the gloomy theorists are wrong and that the Communists are not expecting a peace-at-any-price capitulation by the United States. If so, serious negotiation may be possible, with the outcome depending largely on the course of the war over the coming months.

Under the best of circumstances, however, it is most unlikely that any important decisions will be reached before the elections in November.

Or it may be that the pessimists are partly right, but that the coming confrontation may still serve a useful purpose. The Communists, at least, will be forced to put their cards on the table in Paris. If their demands add up to a flat demand for the surrender of South Vietnam, it will be hard for them to conceal the fact.

At that point, people in the United States and around the world will face the moment of truth about Vietnam and the threat of militant communism wherever it exists.

And this in itself could prove to be a sobering and instructive experience for all concerned.

STATEMENT OF SENATOR HOLLAND ON LOWERING VOTING AGE REQUIREMENT

Mr. HOLLAND. Mr. President, on Wednesday, May 15, I had the honor to appear before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, of which our distinguished colleague from Indiana, Senator BAYH, is chairman, to testify in regard to a proposed constitutional amendment to reduce the voting age requirement to 18 years.

I ask unanimous consent to have my statement before the subcommittee appear in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR SPESSARD L. HOLLAND BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS OF THE SENATE JUDICIARY COMMITTEE, MAY 15, 1968, ON THE PROPOSAL TO LOWER THE VOTING AGE REQUIREMENT

Mr. Chairman, I appear before your Subcommittee in opposition to any proposal to lower the voting age requirement by Federal Constitutional Amendment or, for that matter, any such proposal to take over this field by the Federal Government, thus taking from the states their right to determine this question for themselves.

As we all know, there is a provision of the Fourteenth Amendment which empowers Congress to cut down the number of representatives a state has in Congress in proportion to the number of male citizens over 21 which it disfranchises for any reason, "except for participation in rebellion or other crime." While it is conceivable to let Congress proceed under this authorization against any state that raised the voting age above 21 the Constitution is entirely silent in regard to lowering of the voting age, leaving each state free to fix what age it chooses. The states were in agreement from 1787 until 1943 in fixing the age at 21 at which time Georgia departed from it by fixing the minimum age at 18. Apparently, at the time of adoption of the Fourteenth Amendment it was inconceivable that any state would reduce the voting age below 21. Other than Georgia there have been few exceptions to the minimum age of 21 years as being standard practice in the nation since colonial times. I add that the state of Florida that I have the honor to represent in part requires a person to be 21 years of age to be eligible to vote.

As I mentioned, Mr. Chairman, other than Georgia there have been few exceptions to the age 21 as a voting requirement. The other exceptions are the states of Kentucky, Alaska and Hawaii. The second of the few states that have reduced the voting age requirement is the State of Kentucky. Kentucky's Constitution was amended by a referendum at the November election in 1955 reducing the voting age to 18. The third state was Alaska which adopted the voting age of 19 when the voters ratified the Constitution in April, 1956, which became operative as to the 49th state when Alaska became a state in January, 1959. The fourth state was the State of Hawaii when the voters ratified the state's Constitution establishing the voting age at 20 in November, 1950, which became operative as to the 50th state when Hawaii

became a state in August, 1959. I understand that legislative proposals to lower the voting age from 20 years have been introduced in Hawaii since at least the 1961 session of the Legislature. No action was taken on these proposals. However, in 1967, the Legislature approved the convening of a constitutional convention and the voters approved the convening of such a constitutional convention in a referendum last year, having previously expressed such approval in 1966. The convention will convene in July of this year and in all probability the voting age may be debated at that time.

As you no doubt know, four states have rejected, by referendum, the lowering of the voting age—and one state has rejected it twice. Oklahoma put the proposal to a referendum in November, 1952, and it was overwhelmingly defeated by 639,224 to 233,094. South Dakota twice put the proposal to the voters, once in 1952 when it was barely defeated by 128,916 to 128,231, but the second time the question was put to the voters in 1958 it was soundly defeated 137,942 to 71,033. Idaho put the proposal to a referendum in November, 1960, when it was defeated 155,548 to 113,594. The last state to put the question to a referendum was Michigan in 1966 when the voters defeated the proposal by 1,267,872 to 703,076.

The Connecticut constitutional convention rejected an 18 year old voting age proposal in 1965.

The issue of lowering the voting age in New York was considered during the 1967 constitutional convention. The constitutional delegates defeated the proposed voting age of 19 by a vote of 165–8 and a proposed voting age of 20 by a voice vote. They then voted 102 to 76 to maintain the voting age at 21. Later the delegates gave approval to a provision in the Constitution stipulating 21 as the voting age but authorizing the Legislature to lower that to as low as 18 but once the age was lowered it could not later be increased. The delegates approved this provision by 139 to 30 votes after defeating an attempt to lower the voting age to 20. The voters of New York, however, rejected the proposed Constitution at the November, 1967, election by a 3–1 margin.

In the 1967 session of the Nebraska State Legislature the proposal to reduce the voting age to 18 was approved and the amendment will be submitted to the voters in a referendum in November of this year. Also, the North Dakota State Legislature approved a 19 year old voting age amendment which will go to the voters in a referendum on September 3 of this year. And as you know, Maryland included in the Constitution submitted this year for approval of the voters a provision reducing the age to 19 and older. The vote yesterday on the Constitution was 283,048 to 366,438. Of the remaining states, from the latest information I have available to me from the Legislative Reference Service of the Library of Congress, 7 states have taken no action whatsoever to lower the voting age from 21 years, leaving some 30 states, including the State of Indiana from which your distinguished Chairman comes, which have considered legislative proposals within their respective state legislatures; however, to date no further proposals insofar as we can determine have been approved by the state legislatures.

It might interest the Committee to know that, with regard to the general age of majority, 25 states have no laws governing this matter, 16 states have fixed the age of 21 as being the age of majority, 7 states have fixed 21 years for a male and 18 years for a female, 1 state considers the age of 19 as the majority age and 1 state considers the age of 20 as the age of majority.

With regard to the carrying of firearms, 5 states have no laws, 5 states require a person to be 21 years of age to carry firearms, 2 states will permit a person under 21 to carry firearms if he has parental consent, 3 states prohibit the carrying of firearms by minors (21 at common law) and 5 states require a person to be 21 to carry a pistol or revolver.

With reference to the sale of alcoholic beverages, 37 states require a person to be 21 years or over to purchase alcoholic beverages, 4 states will permit the sale of 3.2 beer to persons over 18 years of age, 1 state will permit the sale of light wine and beer to persons between the ages of 18 and 21, 1 state will permit the sale of beer to persons over 20, 1 state will permit the sale of beer less than 4 percent to persons over 18 years of age, 1 state will permit the sale of beer and wine to persons over 18 years of age, 1 state will permit the sale of 3.2 beer to persons over 19 years of age, and 1 state will permit the sale of beer to persons over 18 years of age. Only 2 states will permit the sale of alcoholic beverages to persons over 18 years of age and 1 state will permit the sale of alcoholic beverages to persons over 20 years of age.

It is also interesting to note that in order to enter into contracts a person must be 21 years of age or over in 38 states. In 9 states a male must be 21 years of age and a female 18 years of age. In 1 state a person must be 20 years of age. In another state a person must be 19 years of age and finally in 1 state a person must be 18 years of age.

Further, in order to marry without parental consent a person must be 21 years of age in 46 states.

Mr. Chairman, a great deal has been made of the argument that those old enough to fight are old enough to vote. I do not subscribe to that theory for the draft age and the voting age are as different as night and day. For soldiers are called upon to be obedient to command and to follow the strictest of military rules and orders. They are not in a position to determine matters of policy for themselves. For this reason to draw a parallel between the draft age and the voting age is utterly fallacious for no such parallel exists. The voter must have the ability to separate promise from performance and to evaluate the candidates on the basis of fact which is a prerequisite to good voting. Furthermore, citizens of the female sex are not subject to be drafted to fight but do have the right to vote.

Senator Fulbright read into the CONGRESSIONAL RECORD on January 27, 1954, a statement from a constituent, W. C. B. Lambert, which I should like to quote " . . . that they (the 18 year olds) can fight is a credit to their physical maturity and their realization of the duties and responsibilities of citizenship to protect, as their older brothers, fathers, and ancestors have protected, their country. . . . Intellectual maturity is a more important basis for democratic citizenship than physical maturity is. The catalytic action of physical maturity and duty and responsibility to defend the country physically does not bring about that intellectual maturity nor the feeling of responsibility not to commit crimes, nor the political maturity to vote."

Incidentally, I might say, we have heard the argument that if you are old enough to fight you are old enough to vote; however, we have never heard it argued that if you are too old to fight, you are too old to vote.

Mr. Chairman, lowering the voting age would confer political rights and responsibilities upon minor persons not generally considered to be sufficiently mature to be held fully responsible legally for their actions. This is indicated by the information I previously discussed with regard to the carrying of firearms, the purchase of alcoholic beverages, marrying without parental consent and the entering into contracts and general state rules as to the attaining of majority. I might also add that a parent is permitted to take a tax deduction for his offspring until they reach 21 if he is supporting them.

Mr. Chairman, we all know that leaders of radical movements understand that patience is not a particular virtue of the young and that radicalism has had its greatest appeal to the youth between the ages of 18 and 21. The most intense and concentrated action of the Communist movement throughout the world has been in the universities where concentration is upon the youth between the ages of 18 and 21. So it was with Hitler and Mussolini. They advocated and accomplished the granting of the vote to the 18 year olds. Today we have witnessed the troubles on the Berkeley campus, we have witnessed the sit-in at Howard University here in Washington prior to the assassination of Dr. Martin Luther King. The militants effectively achieved the closing down of the University by taking over the Administration Building and the University switchboard. Such action which stemmed from a few leaders rapidly spread to the more young and less mature teenagers who followed the leaders. Later we heard of the Columbia University in New York City where the few militants apparently desiring the accomplishment of their purposes led to a shut down of that University and such action was effected by the young and less mature students following leaders of a more militant sort. Today no issue is too cosmic or too peripheral to launch a student power demonstration. *Newsweek Magazine* of May 6, 1968, states "A survey of campus protests conducted by the National Student Association and covering the first two months of the current academic year reveals that there were 71 demonstrations in all including 24 demonstrations aimed at the campus representatives of the Dow Chemical Company and 3 demonstrations each aimed at compulsory ROTC and at campus cafeterias." It is my very strong feeling that the greater number of students are followers of those few radicals within the school structure who feel that they have been put on campus for the sole purpose of leading the teenager down the glory path to what they regard as rightful end.

Mr. Chairman, one reason in particular that should make us want to move slowly in lowering age requirements for voting is the thought of the political organizations moving into our college campuses which they would do with a vengeance if the students were voters. This would be a most dangerous situation since the years 18 to 21 are now, as they have been in previous years, formative years where youth is reaching maturity during which time his attitude shifts from place to place and are the years of great uncertainties which are a fertile ground for demagogues for youth attaches itself to promises rather than to performance. Those years are the years of rebellion, as has been indicated on the college campuses today, rather than reflection.

Today's society is much more complex than that of previous generations, consequently the period for fully responsible citizenship has tended to become longer. Children remain in school longer than did their parents and grandparents. In our complex society of today there are many uncertainties requiring intellectual maturity and a firm grasp of responsibility.

Mr. Chairman, if anything, the maintaining of age 21 for the privilege of voting is more important today than it has ever been. The right to vote implies full citizenship and entails certain duties and responsibilities of citizenship. One of these duties is the serving on juries in both civil and criminal cases and I doubt if there are many teenagers that would possess the judgment, sound reasoning and emotional stability to make jury service a practical course.

Mr. Chairman, I have taken up a great deal of the Committee's time but I feel very strongly in regard to maintaining the voting age at 21.

It seems clear to me that all developments in recent years have clearly shown that a majority of our people do not want to reduce the voting age below 21 and that a submission of the proposed amendment which is

being considered at this hearing would be a complete exercise in futility. No amendment reducing the voting age has been adopted by the people of any state since 1955—the date of the adoption of the Kentucky amendment, though proposals to reduce the voting age have been separately submitted to the voters five times in that period of 13 years and rejected every time—namely once each by the voters of Oklahoma, Idaho, and Michigan; and twice by the voters of South Dakota—much more heavily the second time than the first.

No reduction of the voting age has been made as a part of a proposed new Constitution in any state since 1956—the date of the adoption of the Alaska Constitution, though such proposals have been submitted since that date as a part of proposed new Constitutions in New York and Maryland, in both of which cases the new Constitutions were rejected by the voters. I do not have the complete data but we know that state constitutional conventions have refused to incorporate proposals to reduce the voting age in proposed new state constitutions, notably in Connecticut. I hope that this Committee does not recommend the submission of this proposed amendment by Congress since it seems clear to me that such submission would be a completely futile act and would clearly oppose the trend of the thinking of the majority of our people as shown in every case where the matter has been considered in recent years.

Mr. Chairman, if I may add just one more thing. In addition to running upstream against the popular disapproval, as shown in every case since 1955, this amendment would have an additional troublesome time because there are many people, I think, who, like myself, would greatly oppose the taking over by the Federal Government of control in this matter which has been traditionally left to the states.

I thank the Chairman and the committee for their patience, and I hope that the committee will act to report this proposed amendment unfavorably.

DENIAL OF HOUSING DEPRECIATION ALLOWANCE

Mr. MONDALE. Mr. President, recently I cosponsored a bill along with Senator PROXMIRE and Senator PERCY which would deny depreciation allowances for those landlords who have been convicted of housing code violations. I believe that this measure would strengthen the hands of the court enforcement authorities on the local level and improve the quality of housing in our central cities.

The attractive feature of the proposal is that it would do so without an increase in Federal expenditures. On May 3, the Minneapolis Star published an editorial in support of this legislation. I ask unanimous consent that this editorial be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPUR TO SLUM IMPROVEMENT

Sens. Proxmire, D-Wis., and Percy, R-Ill., have introduced a bill which would deny depreciation deduction on income taxes for landlords whose property has been found in violation of housing codes.

The theory is that owners of slum rental property should not be able to increase their profits by claiming depreciation. Objectors question whether tax laws should be used to achieve such non-revenue-producing purposes. Proxmire argues there's precedent in such laws as the oil depletion allowance which is intended to encourage oil exploration.

A weakness in the bill is that it still requires local officials to find and prosecute code violations, and some cities haven't had a very good record in this regard. But the threat of denying depreciation allowances is big enough to be helpful in achieving housing code compliance.

INEPT HANDLING HELPS REBELS IN COLLEGE DISORDERS

Mr. BYRD of West Virginia. Mr. President, the second of two editorials dealing with the current disorders on American college campuses appearing in the Washington Post today makes the point that inept handling of such situations by college administration can produce the results the rebels seek.

This is a point to reflect upon, for the same thing is also true of weak-kneed handling of any other civilian disorders including rioting and crime. Unless rightful authority asserts itself, those who rebel against authority can destroy it.

The editorial goes on to say that students must be given the opportunity to participate more fully and more meaningfully in constructive efforts to solve social problems, not only on the campus, but also in the world they are inheriting from their elders, and that is true, for the generation of young people now on college and university campuses has had the opportunity to mature more quickly than any generation that has gone before it.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CRISIS ON THE CAMPUS—II

The widespread support among students and faculty members that the rebels at Columbia University were able to develop underlines the serious problems all American universities now face. The revolutionaries on the campus are in a class apart, numerically small, alien in their beliefs, and violent in their tactics. A far larger number of students are disenchanted with society and with education in a very different way.

These students think universities are badly administered and irrelevant to the needs of the students; in this they often have substantial support from faculty members. They think the Nation is wrong in some of its policies and has put its priorities on the wrong programs. They find, rightly or wrongly, that the world they are inheriting is a miserable one and they blame their parents for its condition. But by and large this vast majority of the disenchanted who wish to change the universities is willing to work for change within the system.

The rub comes, and the real danger to the educational system develops, when the revolutionaries are able to win the support of the disenchanted. They did it at Columbia, and they can do it elsewhere, by seizing the issues that trouble students and making these their very own. Inept handling by a university administration then can produce the results the rebels seek. That, more than anything else, is the lesson of the last few weeks at Columbia.

The best way for a university to avoid the turmoil the revolutionaries desire is to seal off the troublemakers from the rest of the student body. It can do this by meeting the real needs and the real hungers of the Nation's young—by listening to their views and acting on them, by letting them have a voice in how student-faculty-administration affairs are handled, by adapting curricula to let them have a sense of participation in attacking the Nation's problems, by modifying the grading system that has haunted every college student since his earliest years.

There is no clear understanding of why this generation of students is different from its predecessors. Some say that it is the result of earlier exposure, through the educational system itself and through television, to the Nation's problems. Others say it is a product of affluence; students who reach college without a clear mission to acquire there the tools through which a living can be earned are naturally oriented toward social rather than economic problems. Others say it is a result of the fact that this is the first generation of students since college attendance became so widespread that has not been exposed to a great national crisis—war or depression.

Regardless of where the student drive comes from, it is there. This generation of students, already better educated than its parents and intent upon solving the problems of poverty and discrimination its parents have not solved, cannot be confined to a passive role in the classroom at the time in life when the spirit to do *something* is greatest. They intend to be activists, inside the system if it will let them, outside if it will not.

Once a university has accepted this new situation, as some have already done, and adapted to meet it, the problem of student demonstrations will be eased. A rebellion on the campus, like the one at Columbia, can be successful only if it has far more support than the revolutionaries alone can provide. The support will not come from a student body that believes its real needs and desires are being met.

DISTURBANCES ON CAMPUSES

Mr. McGEE. Mr. President, the time has come for American colleges and universities to distinguish between serious students and scholars and the roisterous nonstudents who are a minority, but a noisy and disruptive one. The activities of those whose preferred tactics are to kidnap administrators, seize offices or entire buildings, and bring the process of education to a dead halt are absurd and must be halted, as respected Columnist Carl T. Rowan observed in Wednesday's Washington Evening Star. This column gives added weight to another bit of comment, carried in the Washington Post as a two-part editorial.

The consensus would be, Mr. President, that educators must meet the legitimate needs and answer the valid complaints of the serious students, but crack down upon the activists bent upon destruction of our academic institutions. I ask unanimous consent that Mr. Rowan's column and part two of the Post's editorial. "Crisis on the Campus," be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, May 15, 1968]

IT'S TIME TO CRACK DOWN ON CAMPUS ACTIVISTS

(By Carl T. Rowan)

MINNEAPOLIS, MINN.—There was a time when young people went to college, wise only to the point of knowing that they had a lot to learn.

Today's campuses are being convulsed by a motley assortment of student "activists" who express an arrogant certainty that they need to educate their presidents, deans, faculties, and most of the rest of mankind. And to a disturbing degree, they have made the process of educating a hapless hostage to their absurdity.

After boisterous upheaval, Stanford University is to be partly run by students who, in their wisdom, have made a topless go-go girl the prime candidate for president of the student body.

The president of Oberlin College has knuckled under to pressures and barred all military recruiters from the campus. Now—on the premise that the United States is guilty of "war crimes"—Oberlin students are demanding that the college sell all its U.S. Savings Bonds and that it pull Oberlin funds out of companies that contribute directly to the military effort in Vietnam.

At Columbia, students seek to force the university to end its ties with the Institute for Defense Analysis, a consortium that does military research for government.

And here, ceremonies to install a new president of the University of Minnesota were disrupted by a group angered mostly because police took action against a colleague who had ignored a batch of tickets for traffic violations.

This group cloaked its anger in "nobler" cause, of course, as it barred regents and scholars from entering the front door of Northrop Auditorium.

"We've been going through back doors for decades," insisted a Negro protester. "Now you will all go through the back door."

People politely complied.

On campus after campus, turmoil rages over such diverse demands as a separate course in Negro history, the right of male students to entertain girls in their dormitory rooms at all hours, or the addition of a bit of color (racial, that is) to the college coaching staffs.

The preferred tactics of the activists, whether their demands are obviously just or patently ridiculous, is to virtually kidnap college administrators, seize offices or entire buildings, and otherwise bring the processes of teaching and learning to a chaotic halt.

It is clearly time for college administrators to meet and adopt some joint strategy to deal with this absurd business—and for these reasons:

1. The anarchists and nihilists, who are more interested in destroying universities and "the system" than they are in improving things, are picking off the schools one by one. Administrators and faculties are knuckling under for fear of becoming the first institutions totally wrecked by student strikes and resignations of faculty sympathizers.

2. In this election year, the politicians are eager to get into the act, as the House has shown. Whatever institutions irresponsible and irrational students fail to wreck will be intellectually dismembered by overly righteous congressmen and their meat-ax attempts to repression.

College administrators must agree on areas where they have been wrong and unresponsive to legitimate complaints.

Administrators making bold, honest efforts to right these wrongs will carry along the great majority of students and thus isolate those bent on destruction.

When this latter group resorts to illegal, mob tactics, it ought to be agreed by every president that they are to be expelled—pronto!

Perhaps a few mushheads will say that this is treating students like juveniles. But it is merely treating immature adolescents like immature adolescents, ruffians like ruffians, and serious students and scholars like students and scholars.

It is high time somebody began to make the distinction.

[From the Washington (D.C.) Post, May 15, 1968]

CRISIS ON THE CAMPUS—II

The widespread support among students and faculty members that the rebels at Columbia University were able to develop underlines the serious problems all American universities now face. The revolutionaries on the campus are in a class apart, numerically small, alien in their beliefs, and violent in their tactics. A far larger number of students are disenchanted with society and with education in a very different way.

These students think universities are badly administered and irrelevant to the needs of the students; in this they often have substantial support from faculty members. They think the Nation is wrong in some of its policies and has put its priorities on the wrong programs. They find, rightly or wrongly, that the world they are inheriting is a miserable one and they blame their parents for its condition. But by and large this vast majority of the disenchanted who wish to change the universities is willing to work for change within the system.

The rub comes, and the real danger to the educational system develops, when the revolutionaries are able to win the support of the disenchanted. They did it at Columbia, and they can do it elsewhere, by seizing the issues that trouble students and making these their very own. Inept handling by a university administration then can produce the results the rebels seek. That, more than anything else, is the lesson of the last few weeks at Columbia.

The best way for a university to avoid the turmoil the revolutionaries desire is to seal off the troublemakers from the rest of the student body. It can do this by meeting the real needs and the real hungers of the Nation's young—by listening to their views and acting on them, by letting them have a voice in how student-faculty-administration affairs are handled, by adapting curricula to let them have a sense of participation in attacking the Nation's problems, by modifying the grading system that has haunted every college student since his earliest years.

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Regardless of where the student drive comes from, it is there. This generation of students, already better educated than its parents and intent upon solving the problems of poverty and discrimination its parents have not solved, cannot be confined to a passive role in the classroom at the time in life when the spirit to do *something* is greatest. They intend to be activists, inside the system if it will let them, outside if it will not.

Once a university has accepted this new situation, as some have already done, and adapted to meet it, the problem of student demonstrations will be eased. A rebellion on the campus, like the one at Columbia, can be successful only if it has far more support than the revolutionaries alone can provide. This support will not come from a student body that believes its real needs and desires are being met.

VIETNAM REPORT

Mr. RIBICOFF. Mr. President, in December 1967, I had the opportunity to travel to Southeast Asia as acting chairman of the Permanent Subcommittee on Investigations, in connection with the subcommittee's investigation into matters involving our aid and military construction programs in that area of the world.

At the conclusion of my trip, I prepared a report to the distinguished chairman of the Committee on Government Operations, [Mr. MCCLELLAN]. I ask unanimous consent that the text of the report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, in summary, the report discusses the management of our aid programs in Vietnam and Thailand. Suggestions are made regarding the commodity import program in South Vietnam, the personnel levels in our missions in Southeast Asia, and the programs being conducted in that area.

With respect to military construction, we found serious questions regarding the performance of certain American construction firms. Chairman MCCLELLAN has requested a detailed investigation of certain contracts by the General Accounting Office. There is a real possibility of recovering several million dollars by the Government.

I wish to express my deep personal appreciation to the distinguished chairman, who gave me the opportunity to undertake this investigation and has cooperated so fully in its implementation. I also want to thank Mr. Jerome Adlerman, general counsel of the subcommittee, and Mr. Philip Morgan, chief counsel to the minority of the subcommittee. These gentlemen accompanied me on the trip and were of great assistance in the investigation and the preparation of this report.

EXHIBIT 1

REPORT TO SENATOR JOHN L. MCCLELLAN, CHAIRMAN, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, REGARDING MATTERS IN VIETNAM AND SELECTED SOUTHEAST ASIAN AND MIDDLE EASTERN COUNTRIES BY SENATOR ABRAHAM RIBICOFF (DEMOCRAT, CONNECTICUT)

I. Introduction

On December 1, 1967, I went to the Republic of South Vietnam accompanied by my administrative assistant, Wayne G. Granquist, to conduct a follow-on inquiry to the field investigation made in October 1966 by Jerome S. Adlerman, general counsel, and Philip W. Morgan, chief counsel to the minority, of the Senate Permanent Subcommittee on Investigations.

The subcommittee had held public hearings entitled "Improper Practices, Commodity Import Program, U.S. Foreign Aid, Vietnam" on April 25–27 and August 1–3, 1967, relating to matters disclosed during the first field investigation. You asked me to serve as acting chairman of the subcommittee during the second series of the 1967 hearings in which certain irregularities in procurement of pharmaceuticals and railroad bridges were disclosed. We completed this phase with a hearing on January 31, 1968. You also designated me as acting chairman of the subcommittee to conduct the recent field investigation.

Mr. Adlerman and Mr. Morgan joined me in Vietnam and they assisted me invaluably and greatly advanced the work of the subcommittee. This report of our inquiry reviews the programs we examined. Our trip was made before the Tet offensive by the North Vietnamese/Vietcong forces of last January 1968 and the conclusions of this report are

based, of course, on the conditions we found to exist in the pre-Tet period. The effect of the Tet offensive is still under examination by the Agency for International Development, the Department of Defense, and the Department of State. It seems fair to assume, however, that the events of late January and February in South Vietnam, Thailand, and Laos have increased the magnitude of the problems encountered by AID programs in these nations.

The countries I visited included Israel, Jordan, Thailand, Laos, Vietnam, Malaysia, Singapore, and Indonesia. Mr. Adlerman and Mr. Morgan visited Vietnam, Hong Kong, the British Crown Colony, Thailand, and Israel.

A. VIETNAM

II. Vietnam foreign aid program

The Republic of South Vietnam was granted approximately $750 million for the entire AID program for fiscal year 1966. The grant for fiscal year 1967 was approximately $515 million, and some $490 million is budgeted for fiscal year 1968.

The population of South Vietnam is now estimated at 17 million, an increase in the estimate of 1 million in 1 year. Saigon is now estimated to have 2.5 million persons, with another 1 to 1.5 million living in the city's environs. About 13 million persons are said to live in the rest of the country.

The pacification program is headed by Robert Komer in an operation known as civil operations for revolutionary development support (CORDS). That organization recently stated that 67 percent of the South Vietnamese population are under the control of the Government of the Republic of Vietnam, and that this figure represents an increase of 4½ percent in 1 year. The realism of this estimate is undoubtedly subjected to question, particularly in view of the recent Vietcong insurgency.

(a) Agency for International Development (AID)

AID's staff is largely located in Saigon, with a few officials scattered throughout the rest of the country.

The exact number of American employees at the time of our visit was represented to us as follows:

AID employees, either direct hire or "borrowed" from other Federal agencies (1,200 of these are with CORDS)	2,130
Contracted-for employees	450
Total	2,580

There are hundreds of dedicated Americans working in the American AID program, but I was dismayed to find in the Saigon AID mission one of the most overblown bureaucracies I have ever seen. A vast complex of over 4,700 American and Vietnam employees, the Saigon headquarters outnumbers the AID personnel in the field by nearly two to one.

More than two-thirds of the Americans working for AID in Vietnam have no knowledge of the Vietnamese language—less than half speak French. But these statistics are not surprising in view of the frantic growth of AID in the country.

In the past 18 months, the size of our AID mission to Vietnam has more than doubled—and the end is nowhere in sight. This growth reflects, of course, the magnitude of our effort in South Vietnam. But more than that, I am afraid it reflects a misplaced faith in the magic of American dollars and American personnel. As one young American volunteer told me in Saigon: "A little yeast makes the bread rise; too much sours the dough."

Our aid effort in South Vietnam lacks both the discipline of the dollar—the effort that is made to assess priorities when funds are tightly controlled—and the discipline of a realistic personnel ceiling.

AID officials informed us that they are asking for more personnel, totaling 3,100 people in fiscal year 1968, and 3,600 people in fiscal year 1969. Internal resistance to this plan appears to be justified in view of certain questionable projects which AID is engaged in, which I will discuss subsequently.

Many of these AID employees have their families in several "safe haven" countries which the employees are allowed to visit periodically. The number of visits per year varies in inverse ratio to the employee's status and grade within AID. The "safe haven" areas include Bangkok, Thailand; Taipei, Taiwan, and Tokyo, Japan. The housing, commissaries, schools, and medical dispensaries needed by these dependents are being financed with AID funds. AID officials could not provide us with exact cost breakdowns, but stated that the costs were "high." They did not feel that such arrangements were placing much strain upon the host countries, pointing out, for example, that all dependent housing was being built in one place in Taiwan. AID seemingly does not consider the fact that this housing costs a great deal in view of the fact that its anticipated use may be curtailed if the dependents are sent home to the United States or returned to South Vietnam. I would recommend that the subcommittee inquire into alternative ways—such as rental housing or transport of AID personnel on home leave through charter flights to the United States—of resolving this situation.

I asked about the number of projects that AID has undertaken in Vietnam, noting that the Director of AID in Thailand had earlier told me he felt he could cut down, and eliminate at a reasonably early date, some 15 of his 35 major programs and projects. My question was met with a great deal of dissent by AID officials in Vietnam. I was told that there are approximately 80 programs involving some 200 projects currently being undertaken, and that this represents a cut from 300 projects in the previous year. When I continued to ask what projects could be eliminated with a resultant decrease in employees, the resistance continued. The AID Director indicated that he had not permitted a few planned programs to materialize. When pressed, he indicated that he had cut the staff of the land reform section within AID from 26 persons down to two. I had been advised by AID officials that the technical assistance programs in Vietnam started in 1952 and that the commodity import program began in 1956. Therefore I asked if some of the early programs were still in existence. I was told they are, because "it is very hard to drop them."

I asked that a list of programs and projects be provided the subcommittee, including the dates that they started, the amounts spent on them for each reporting year, the purpose of the programs, and the possibilities of eliminating, decreasing, or redirecting them. This request was subsequently repeated by Messrs. Adlerman and Morgan after my departure. The list has been promised to us but is yet to be delivered. I believe that the subcommittee should study this report carefully and that the staff, if necessary, should "look behind it" to verify the accuracy of information provided. If AID will not streamline their own operations, perhaps the subcommittee should do it.

The main purposes of the AID program in Vietnam were explained to us as follows:

(1) *Long-term development.*—This includes the installation of an additional port facility in Saigon, known as Newport, which is supposedly a permanent structure to serve the Vietnamese when the emergency is over and when the existing port facilities become antiquated.

(2) *War relief and support.*—We were advised that AID's support to the total war effort amounts to about $60 million annually, principally through local currency (piasters) generated by AID's commodity import program and the AID administered Public Law 480 (agricultural) program.

(3) *Revolutionary development.*—This is an overall program to secure the hamlets and to root out the Vietcong infrastructure. This program uses 59-man cadre teams of both United States and Vietnamese personnel. (Local criticism is that these civilian cadre teams offer an alternative to military service for sons of influential Vietnamese.) The purpose is to "restore the line" between the farms, villages, and province towns and the national ministries.

(4) *Commodity import program.*—This will be detailed in the following section.

An example of the overall AID budget can be seen from the proposed budget for fiscal year 1968, which AID officials described as follows:

Project programs (including CIP)	$257,141,000
Overhead and technical support in Washington, D.C.	17,859,000
Contingencies for major policy purposes (e.g., Vietnamese road system)	15,000,000
Public Law 480 (both title I and title II, but primarily title I; title I includes rice, mainly, also corn for pigs, etc.; titles II and III were combined last year. They include commodities such as bulgar wheat and oil, etc.)	200,000,000
Total	400,000,000

(b) Commodity Import Program

The commodity import program was the subject of much testimony in both the April and August hearings of last year. Therefore, I will not repeat the mechanics of the program here but, rather, will comment upon some of the observations we made during the recent trip to Vietnam.

AID officials' combined reporting to us—in October 1966 and in December 1967—showed that the money we have put into the commodity import program to Vietnam since fiscal year 1962 has been as follows:

	Millions
Fiscal year 1962	$97.8
Fiscal year 1963	95.0
Fiscal year 1964	113.9
Fiscal year 1965	152.8
Fiscal year 1966	398.1
Fiscal year 1967	160.0
Fiscal year 1968 (estimated)	200.0
Total (including 1968 estimate)	1,217.6

The manner in which the commodity import program functions was summarized for us, through briefing materials, as follows:

"The commercial import program (CIP) functions basically as a supplement to the foreign exchange resources of the GVN in financing imports for the private sector of the economy. As such, it contributes to the stability of prices, since commercial imports absorb piasters, that is, they satisfy inflationary demand. The program pays the foreign exchange cost of the commodities which it finances. The goods are paid for by the importer in piasters and these piasters, known as counterpart, are used for support of the GVN budget in projects and programs approved by the United States."

The purpose of the program was explained as follows:

"The CIP in Vietnam was initiated in 1955 following the signing of the Geneva accord. The program was designed to counter inflation resulting from the deficit spending in support of the military establishment required by the emergency conditions prevailing at the time."

The economists in the U.S. overseas mission tend to see the commodity import program

as a stabilizing influence in meeting peaks of supply and demand by transferring purchasing of various commodities from Vietnamese Government agencies to the AID commodity import program as may be periodically necessary. For example, we were told that the large military buildup in 1965 found the U.S. military "living off of the local economy," so to speak, and that price increases averaged 125 percent between May of 1965 and July of 1966. Devaluation of the local currency therefore became necessary. However, the Vietnamese relaxed import licensing requirements just before the June 1966 devaluation. The relaxation, coupled with the speculative tendencies of Vietnamese importers, resulted in a tremendous oversupply of commodities. These circumstances, linked to chaotic port congestion, resulted in high inventories and tight bank credit.

The economists, on the one hand, said that importers then bought such items as motorbikes, refrigerators, air conditioners, TV sets, and radios, to attract consumer dollars. On the other hand, the economists said that as troop spending increased in 1966, the Vietnamese Government accumulated more foreign exchange than it was spending. Therefore, in January and March 1967 such items as petroleum products, sugar, pulp and paper, cement, and nonferrous metals were transferred to Vietnamese Government financing. By the end of November 1967, the financing of petroleum products, sugar, cement and fertilizer was returned to AID because of some unexplained decreases in the foreign exchange holdings of the Vietnamese Government.

While there undoubtedly is a great deal of troop spending by U.S. forces, we know that all soldiers have been encouraged to save their money in the 10-percent interest special savings plan that is in effect for them in Vietnam. We found that the average serviceman spends only less than $15 of his own money monthly for purchases in the local economy. This would amount to a total impact on the South Vietnamese economy of less than $100 million annually at current troop levels—far less at 1966 levels.

I believe that the foreign reserves now held by the Government of Vietnam have actually been built up by the generation of piasters in the counterpart aspects of two major programs: AID's commodity import program, and the AID-administered Public Law 480 (USDA) program.

For example, let us take as a basis the commodity import program's budget of $200 million for the current fiscal year, plus the $200 million programed for Public Law 480, title I funds. The amount of the counterpart funds which would be generated from these two programs would be:

	Millions
CIP: 100 percent of the CIP money goes into counterpart funds. It all goes to the Vietnamese Government, per the terms of the program, although we have a right to agree on the use of the funds; most of these funds are used for the Vietnamese defense budget, we were told	$200
Public Law 480:	
80 percent of this is "plain counterpart," which is U.S. owned but is used to assist the Vietnamese Government in different ways, as spelled out in the sales agreement; Vietnamese military pay rolls have been included here from time to time	160
20 percent is used, also in piaster form, for U.S. projects in Vietnam	40
Representing 100 percent of both programs	400

We were told that if the United States discontinued the AID commodity import program to Vietnam, the Vietnamese foreign reserve balance would start to fall. Yet in fiscal year 1967, when AID's CIP program was cut more than 100 percent (from $398.1 million in fiscal year 1966 to $160 million in fiscal year 1967), the Government of Vietnam spent $306 million in foreign exchange for imports—and the South Vietnamese foreign reserve balance continued to increase.

The economists told us that AID CIP-financed commodities were generally held to essentials—raw and semifinished materials for production, bulk commodities, maintenance material and spare parts, and certain capital equipment—while the Vietnamese program financed consumer goods for the most part. What this really means is that we finance the necessities and the Government of Vietnam finances either luxuries or items that are prohibited in the AID commodity import program. Two examples follow:

1. In our subcommittee's hearings of August 2–4, 1967, we disclosed excessive imports of antibiotics into Vietnam. Enough chloramphenicol, for example, was shipped to Vietnam to supply the normal needs of an Asian country of 100 million people. South Vietnam, of course, has a population of 17 million. We further showed that at least $870,000 in kickbacks and improper commissions had been paid by American and European exporters to Vietnamese importer La Than Nghe between 1957 and 1965.

Similarly, we showed in our January 31, 1968, hearing that kickbacks and ineligible commissions were an important part of the operations of the Clement Gubbay complex during the same general period of time. Apparently in anticipation of our findings, AID officials announced during our hearings that they had discontinued the financing of all pharmaceuticals under the commodity import program.

Our investigation disclosed, however, that the Government of Vietnam is still financing the import of pharmaceuticals, including chloramphenicol.

2. We were told that following the currency devaluation of June 1966 there was both chaos in the Port of Saigon and a hectic period of oversupply in the economy. Yet despite the port congestion and the oversupply of consumer goods, we were informed that importers turned to quick-turnover, fast-delivery, high-profit goods to obtain the piasters still in the hands of individual consumers. We were further informed that the principal commodities imported were Government-financed luxury goods, including motorbikes, refrigerators, air conditioners, TV sets, and radios.

It seems highly questionable to me whether heavy taxes for such items would have much effect on the flood of orders in such a booming economy, even if the taxes ever were collected.

Prior to the Tet offensive, the affluence of the people of Saigon was noticeable everywhere. Many of the items listed above were in obvious abundance. We learned that there is little or no unemployment in Saigon. In fact, many persons have a second, or "moonlight" job. The people in Saigon were obviously living well, and conversely, there is no apparent austerity to be seen anywhere in the city.

One cannot help wondering about the obvious absence in Saigon of the kind of austerity that has historically marked successful national struggles. It certainly is to be considered in discussing the apparent lack of any "will to win" upon the part of the Vietnamese people.

A serious and paradoxical weakness in our AID program in Vietnam is that while we have been "footing the bill" for the Vietnamese war effort, the Government of Vietnam, through its own import system has been purchasing almost all commodities everywhere but in the United States. The breakdown of such commodity purchases for fiscal year 1967 follows:

	Millions
Japan	$131
Taiwan	24
Italy	24
United States	17
France	15
West Germany	15
All other countries	80
Total	306

The explanation given to us was not very convincing. I was told that the individual Vietnamese importer does the ordering and buying and that costs were important; the other markets were cheaper and closer. However, I pointed out that the individual Vietnamese importer also does the ordering and buying under our commodity import program, and that although some markets might be cheaper, Italy, France, and West Germany certainly are not closer.

I sincerely believe that this situation should be rectified immediately if we are to continue to finance these programs as abundantly as we have in the past.

It should be pointed out that the administration and efficiency of the AID commodity import program to Vietnam seems to have increased considerably. I am sure that part of the improvement is attributable to the work of our subcommittee in pointing out several deficiencies.

For example, the commodity import program's staff has been increased from five, in early 1966, to 22 at present. There was only one commodity analyst in late 1965, and now there are 10. Some subcommittee members had been critical of the fact that the AID practice had been to let the market select the commodity. It now appears that these analysts have the technical tools and their own expertise to determine commodity requirements.

Some innovations which give more program control include a new seven-digit code which permits a simple specific identification number for each commodity; a positive list of commodities that are eligible for AID financing; and a new central importer file which has much information on importers. An automatic data processing (ADP) system has been established to provide information regarding licenses, letters of credit, and commodities in transit, in customs, and released from customs. An IBM 360–30 computer was received on November 30, 1967, and it is anticipated that the foregoing information will be incorporated into its processing units. It will provide automatic identification, if any, of approved licenses. The computer will control and analyze the CIP pipeline from the initial obligation through customs clearance of the commodities. I am advised that the Commodity Import Division Director, in October 1966 told Messrs. Adlerman and Morgan that many of the functions which the foregoing innovations will provide were going to be put into effect "in 2 weeks." I am sure that until the automatic data processing system and the 360–30 computer are put into operation, the amount of commodities in the pipeline will still not be known accurately.

Finally, I believe that the changes that have been made in the operation of the commodity import program as the result of our hearings to date have been constructive ones. For example, the curtailment of the use of import licenses under $5,000 in value and the requirement that they be advertised in the Small Business Circular both tend to minimize the chicanery that can take place. Positive action also has been taken about a "suspension list" of importers who obviously should not be doing business in Vietnam. A Special Assistant to the Director carries out this responsibility according to procedures set forth in the AID regulations. We were told that the most recent suspension list, dated November 10, 1967, identifies 25 sus-

pended importers who were involved in the "Higgins battery additive" operation that was a subject of our hearings. The list also shows that importers were suspended by the Vietnamese Government for speculation, tax evasion, and black marketing, that 71 ineligible suppliers were suspended or debarred by AID/Washington, two agents were suspended by Vietnamese decrees, and four firms and/or individuals have transactions which are subject to prior review.

All import licenses and amendments thereto are carefully checked for the identities of importers, sales agents, and suppliers, and study is given to prices and commodity amounts already under license. The approved license is stamped and signed by the commodity analyst. Subsequently, copies approved by the Vietnamese Government and the Bank of Vietnam are returned to the analyst for comparison with the approved copy. Some of these techniques, of course, are subject to constant review and updating. For instance, in our January 31, 1968, 1-day hearing, it was disclosed that nine pharmaceutical import licenses—involving some $90,000 of commodities—were altered after the July 15, 1967, cutoff date for pharmaceuticals to indicate that they had been approved on or before that date. However, there is no doubt that improvements in the administration of the commodity import program have been, and are being, made.

(c) Economic Warfare Section of AID

Last year an Economic Warfare Committee, with representation from the various military and civilian U.S. agencies, was created in Saigon. The committee met every 7 to 10 days, and its stated purpose was to keep critical resources from the Vietcong, to prevent the diversion of U.S.-financed goods to the Vietcong, and to counter the enemy's attempts to disrupt the South Vietnamese economy.

The committee was then chaired by the head of the existing AID Office of Special Projects, which was composed of a small group of specialists (e.g.—experts on ports, ships and ship's cargo, narcotics, resources and commodities, currency manipulations, etc.) and auditors who acted on information from Washington about suspect shipments in port, who worked with Government of Vietnam officials on strategic materials, and who *investigated* Vietnamese firms for irregularities, particularly in suspected diversions of materials.

The committee and the Office of Special Projects were designed to work together, although it should be recognized that attempts to control and to account for AID commodities are generally contradictory to AID philosophy. Specifically, control and accounting were repugnant to the commodity import program in Vietnam, which was geared to bring commodities into the economy in sufficient quantities to provide abundance and thus to avoid the possibility of runaway inflation.

Senator Karl E. Mundt, ranking subcommittee minority member, questioned Deputy AID Director Rutherford M. Poats about the Economic Warfare Committee during subcommittee hearings on the AID program to Vietnam (p. 71, April 26, 1967). The colloquy follows:

"Senator MUNDT. * * * I would like to ask you what contact you have in your office with the economic warfare group?

"Mr. POATS. The economic warfare group is set up under the Deputy Ambassador in Saigon. A member of that group is from the AID mission. There are members from the other U.S. elements in Vietnam. We have in the AID mission an Office of Special Projects which is our economic warfare office, but it is also concerned with other types of surveillance of commodities which have special problems.

"We have several members of that office presently in Vietnam. We also have a group in the Controller's Office of the AID mission which works closely with it. The AID management inspections staff, now called investigations and inspections staff, in Saigon also works with it on occasion. This is a group of six investigators. I believe, on board now.

"Senator MUNDT. How many men are there in the economic warfare section?

"Mr. POATS. Five in the AID organization directly, plus these that I mentioned that are cooperating with it. I haven't mentioned one major aspect of the economic warfare, Senator Mundt, and that is the resources control program of the Vietnamese police."

Mr. Poats went on to describe an extensive system of checkpoints, set up through AID's public assistance program, in cooperation with the Vietnamese police. On land and water these checkpoints are designed to deter and interdict the movement of goods to known VC areas. Mr. Poats said there were 9 full-time employees and 65 part-time province workers on this program, plus 7,204 Vietnamese, all operating 645 checkpoints.

The operation of the checkpoints will be discussed at greater length in the next section. However, the explanation given the subcommittee by Mr. Poats is at odds with the information I received while in Vietnam.

We were told that even though the committee system for handling such matters is cumbersome enough, real embassy support of economic warfare activities was held in abeyance starting in August 1966 pending the arrival of a special Defense Department study group headed by Dr. Stephen Enke. Additionally, the Central Intelligence Agency and the Rand Corp. also looked at the economic warfare program in Vietnam and all of them were substantially in accord with it. However, at about the same time—in early 1967—the Office of Special Projects' staff was reduced to two employees with token responsibilities. As far as we were able to tell, the Economic Warfare Committee and its meaningful accomplishments had become things of the past.

If this function has been curtailed, it should be reestablished. An effective and realistic economic warfare organization, properly supported, is necessary to carry out both "incentive-to-defect" and "denial-of-material" programs which will save lives and shorten the Vietnamese war.

(d) Port Congestion

The unbelievably congested situation at the Port of Saigon of 1966 has vastly improved. This is one area of our inquiry in which great improvements have resulted in efficient operations.

We were told that congestion in the Port of Saigon between the latter part of 1965 and the early part of 1967 was attributable to the rapid build-up of military forces. While this may have been one reason, I believe that there were three factors: (1) the military buildup, (2) the overzealousness of Vietnamese importers in taking advantage of a very small required piaster deposit (10 percent on a predevaluation exchange rate of 69 piasters=$1 United States, to order more commodities than they could use, and (3) the Vietnamese import system that discharged more cargo than could be absorbed by the port. There were very few coastal ports in operation in those days, and there was little or no enforcement system to press the Vietnamese importer to remove his cargo from the docks if the local market did not suit him. Management was lacking when USAID was in charge of port operations. The 4th Transportation Command, 1st Logistical Command, U.S. Army Vietnam (USARV) took over all functions—including the handling of AID and Vietnamese Government cargo in July 1966. The 4th Terminal Command should be given great credit for doing an almost impossible task. They not only cleaned up the chaos on the docks, but they eliminated over 600 barges, which served as temporary river storage and helped to congest the harbor.

During the military buildup, practically all physical facilities in the Saigon area for the unloading of ocean vessels were at the Port of Saigon. These included 13 deep draft berths, 26 in-transit storage sheds adjacent to the docks, and 17 to 21 buoy anchorages in the Saigon River. The military utilized six draft berths and 13 in-transit sheds during the busiest time period, from late 1965 through early 1967. The biggest problem encountered during this period was that the port facilities capability to discharge cargo, even though strained, was still greater than the capability of the military supply depots, USAID warehouses and contractor's facilities, to absorb it. I was told that some of the reasons for this were:

(1) The advance summaries and stow plans sent out by the responsible military authorities in the United States frequently were incomplete or in error. Also, as Messrs. Adlerman and Morgan found in 1966, the cargo manifests from U.S. ports either were late in arriving in Vietnam, or, in some cases, never arrived at all.

(2) The physical condition of the facilities at the Port of Saigon were in deplorable condition and yet, as late as February of 1967, the responsible 1st Logistical Command had not acted on proposals, costing $300,000, to remedy the port deficiencies.

(3) The material handling equipment—forklifts and cranes—at the port was a critical item because only half of the authorized quantity was on hand, and it was deadlined for maintenance and repair at least one-fourth of the time. Such equipment was generally operated on a 24-hour day basis. Shortages of spare parts also kept the machinery out of action.

(4) While 90 percent of the tonnage transported from the port to the consignee was carried in commercial trucks, the long unloading time at several installations cut into a reasonably efficient estimate of 12 hours "turn-around time." (All consignees were located within 25 miles of the port.)

(5) The discharge capability of the port was affected by the limited availability of barges to receive cargo discharged from vessels anchored at the buoys and the frequent lack of tugs to move the barges to consignee locations for unloading. Additionally, the barges were kept loaded at anchor for long periods, under contract with various importers. They served as floating storage facilities because of the lack of wharf facilities. The tugs operated by the Army had exceeded their planned life of 14 years. In December of 1966, 33 percent of the tugs were deadlined because of age and lack of marine maintenance.

We were told that, in addition to the fine work done by the 4th Terminal Command, the combined actions of the Military Assistance Command, Vietnam (MACV), USAID, and the Vietnamese Government were the principal reasons for the relief of the port congestion. To quote from the briefing material furnished us:

"(1) Increasing the number of buoys, barges, and tugs in order to discharge as many vessels as possible in stream.

"(2) Improving the efficiency of the port through use of pallets and materials handling equipment (MHE).

"(3) Institution of better storage practices in order to assist importer in locating and outloading their cargo.

"(4) *The construction of Newport, permitting the U.S. military forces to vacate and return to the commercial port four deep draft berths.* [Emphasis supplied.]

"(5) Organization of an 'importer task force' which visited importers on a continuing basis to determine the reasons for the importers' failure to remove cargo from the port.

"(6) The development of upcountry mili-

tary ports which obviated the need for transshipment of military cargo through Saigon.

"(7) The AID/DOD agreement whereby certain GVN cargoes are carried under military cognizance and delivered directly to upcountry ports, obviating the need for transshipment through Saigon."

In addition to alleviating the port congestion, the actions taken have resulted in the proper storage of cargo in both open areas and in transit warehouses, as well as rapid discharge to the waiting consignees. Ship "turn-around time" has been sharply cut from a high of 89 days in August 1966 to an average of 7 days in May 1967; 6.2 days in September 1967; and 5 days in December 1967. The specified demurrage for voyage-chartered ships which have to wait for berths or which are held up by slow discharge has dropped markedly as follows:

Time period	Number of ships	Amount of demurrage
Fiscal year 1966	85	$2,480,722.60 plus 69,125.06 new francs.
Fiscal year 1967	96	$2,749,728.76 plus 55,583.19 new francs.
Fiscal year 1968 (1st 5 months)	10	$107,577.65.

A "congestion surcharge" for "liner" or "berth term" ships is imposed by the shipowners on a per-ton basis for cargo delivered to a congested port. This, too, has decreased from $8.25 per revenue ton, at the August 1966 peak to $3.50 per revenue ton in July 1967.

Finally, barge congestion has been remarkably decreased from a peak of 966 barges under load with non-customs cleared cargo on March 20, 1967—658 had been under load for more than 30 days—down to only 3 such barges on November 3, 1967, and only one of them had been under load for more than 30 days.

The additional port facilities, known as Newport, are as modern a facility as can be found in any world port of comparable size. The facilities consist of 4 deep draft berths, 2 LST ships, a landing area for smaller craft (LCM, LSU), 700 feet of barge wharf, and several transit sheds. A highway interchange and bridge supposedly are contemplated in the future. It is located upriver from the main Saigon port. Newport has released four deep draft berths at the Port of Saigon for commercial uses. The additional major ports that have been developed on the eastern coast at Cam Ranh Bay, Qui Nhon, Da Nang and elsewhere have greatly improved the port situation in Vietnam.

Several criticisms, however, have been leveled against the construction of the Newport facility, and some of them appear to be well-founded. In October 1965, Newport was justified on the basis of a continuing need to serve the Saigon area. The original cost estimate was $13.8 million. The proposed scope of the work included deep draft berths which could accommodate class C–4 (large) cargo ships as well as LST's, and other smaller craft. The first funds were received in early January 1966 but late in the same month the Parsons-Certeza Construction Engineers Co. found that "the soil conditions at the site are extremely poor" and they recommended that "deep pile foundations" be used. The result was that the Newport design was changed from sheet pile bulkhead to much more costly jacket-template construction.

On May 9, 1966, the director of construction, MACV, gave the Newport project the highest priority of all construction projects in Vietnam. Then, on August 4, 1966, MACV *requested nearly $30 million additional funding for the project. The entire project,* counting the highway interchange and bridge (increment III), *is now estimated at $70 million, as compared with the original estimate of $13.8 million.* The main reasons for the huge increase were said to be: (1) Soil conditions were far worse than known at the time of the first cost estimate ($16 million more); (2) The change in scope since the original cost estimate ($25 million more).

We learned that few questions were asked "until late in the game" about the physical limitations of the facility. Then, alternate plans were discussed, such as building the port at the coastal city of Vung Tau—the Saigon River mouth on the China Sea some 45 miles southeast of Saigon—and constructing a connecting road to our large military complex at Long Binh so as to bypass Saigon. (A similar connection was accomplished in Thailand when the U.S. Navy port at Sattahip, located some 75 miles Southeast of Bangkok, was constructed to tie into a road network that bypassed Bangkok while reaching out to several of our other bases "up country.") However, this appears to be "after-the-fact reasoning" at best.

In addition, the plan to provide 4 deep berth drafts at Newport to accommodate C–4 vessels has not been accomplished because there is insufficient space to turn the ships around in order to dock. I have been told by the Navy's construction office that the added cost to build the Newport facility for C–4's rather than the smaller C–3 cargo vessels is between $2.8 million and $4.8 million. There would be an additional expense of some $1.7 million to widen the turning basin.

Just before my arrival, the largest cargo vessels going into Newport were the class 2 (C–2) ships because of the turnaround problem. According to the 4th Terminal Command, more cargo still continues to flow through the Port of Saigon than through Newport. The modern use of "roll-on, roll-off" vessels is also precluded at Newport because of the turnaround problem.

While the logistics problems that created the need for a facility like Newport were real and demanded solution, it does not seem to me necessary that the facility must be built to standard permanent specifications. In view of the pressing dollar requirements we face not only in Vietnam but at home, and since—we devoutly hope—we are not in Vietnam forever, it is questionable whether we must build—as we have—with a permanence that will endure through the ages. Finally, it seems proper to ask whether we should build permanent installations when we are in another country on a temporary basis. There are so many places that the American dollar could otherwise be used wisely in Vietnam and at home. "Nothing but the best" seems to be the prevailing attitude in our construction efforts in Vietnam.

III. Theft, diversions, and corruption

(a) Theft

The congested conditions in the port of Saigon that were described in last year's report have changed considerably, as I have described in earlier sections of this report. Indications are that cargo moves through the port with little difficulty to its first destination—military, contractors' warehouses, and some 80 different AID locations all within 25 miles of Saigon.

The cargo is shipped under a transportation control and movement document (TCDM) which is prepared by cargo checkers assigned to the Cargo Accounting Division, Fourth Terminal Command. One copy of the document is left with the checkers while the goods move under guard to the consignee. If the goods are correctly described, the consignee signs the document and that copy ultimately returns to the accountants and is matched with the suspense copy. Much effort has been given to making sure that individual consignees understand the procedure and the importance of using the TCDM. To prevent forgery of the documents, a "chop" system is being introduced. This is a control device whereby the location of the "chop-mark" is changed daily on the documents, although it can be easily identified by a template device.

The condition that remains most difficult to control is the collusion between Vietnamese racketeers, military and civilian personnel, and the gate checkers on the docks. Collusion permits unauthorized persons to take goods off the docks.

In fact, the General Accounting Office has found—contrary to what the subcommittee was advised—that even late in 1967 there were no statistics or records available to indicate the amount of cargo lost or stolen *while in transit through the port.* There is documentation in the form of ships tallies showing cargo discharged from vessels and there are the transportation control movements documents which show the cargo moving out to the various consignees. But the cargo shipped in has not been reconciled to the cargo discharged and thus there was no determination made on cargo lost in transit through the port. The Fourth Terminal Command has recognized this weakness and is working on it, but it was shocking to me that nothing was done about it for such a long time.

It seems to me that a security fence should have been placed around the entire port area long ago. The adjacent area should have been appropriately lighted. Land and water police patrols should have been assigned to keep the discharged cargo intact at least until it was counted and moved on to its first destination. When supplies of all types—military, military construction, contractors' materials, and AID commodity import program and counterinsurgency goods were all coming into one main port area at the same time, it became increasingly important to insure proper control over them from the time they arrived at the port until they moved to their destinations.

(b) Diversions

It is not surprising that lost or stolen goods were given or sold to the Vietcong. The fact that many Vietcong are unidentified is important in considering their ability to buy on the open market. Their ability to obtain such diverted goods at low prices is to their economic advantage just as much as interdiction of their efforts is to ours.

There are two types of diversions—economic (theft for profit) and strategic. It is difficult to determine the amount of the diversions—especially the diversions of rice, which will be discussed later in this report.

Much Vietcong diversion is carried out through use of their own checkpoints. Our officials in Vietnam now seem to accept this as a reality of life more than they did in October 1966. We were told that the Vietcong exact three different types of taxes on the production and transportation of rice. They are:

(1) *Production taxes.*—These are percentages of the production surplus after allowances for family consumption and seed requirements. Percentages are usually from 20 to 50 percent and the taxes are taken either in cash or in kind.

(2) *Sales taxes.*—These are variable percentage taxes taken in cash on the proceeds of commercial sales.

(3) *Transportation taxes.*—The Vietcong taxes rice moving out of the Vietcong areas. The tax usually is set at 15 percent and is taken in cash.

There is no question that diversions are important in other commodities as well.

(c) Improper Use of PX Supplies

Adequate control of PX supplies, now handled by the Army except for those in I Corps, under U.S. Marine Corps control, has improved considerably since so much attention was focused on PX losses and diversions and improper distribution and use of many

PX items. We were told that the Army had $4.2 million in maritime losses, from March to November 1967, from a total of $229 million of merchandise shipped. The actual accountability loss was about $6 million for over $600 million of merchandise in the inventory. The accountability loss is attributable to poor accountability, shoplifting, sales-clerks taking money, shrinkage, and other factors. When the loss reaches a figure of over 1 percent of the inventory, an investigation is automatically undertaken.

In spite of control improvements, a considerable amount of diversion still occurs. The main post exchange which we inspected was well stocked with items which were in short supply a year ago, such as transistor radios, stereo sets, photographic equipment, and other luxury items. There was notable increases in the supply of basic "health and comfort" items, toothpaste, shaving cream, etc. Many of these products can also be found in the street vendor stalls in downtown Saigon. Some of them bear the Federal stock numbers, and almost all have PX price markings on them. They are probably resold to the vendors by PX customers. On "PX Alley," Tu Do Street near the National Assembly, the PX item seemed to have disappeared, probably because of official pressure. However, there were quantities of PX supplies in the small stalls which are found on almost every principal street of Saigon.

(d) Black Market and Currency Manipulations

AID and our Embassy officials seemed to indicate that the black market was not a very serious thing. (One assistant to the AID Director said that the black market rate has been "stabilized" for some time at 155 piasters=U.S. $1, but that it was about 200 piasters=U.S. $1 some 1½ years ago.) The U.S. Army provost marshal, on the other hand, indicated that the current rate was as high as 180 piasters=U.S. $1 regular currency—so-called green dollars to differentiate them from military payment certificates (MPC's). In fact, we were told that there was also a black market rate for the military script at a current rate of 140 piasters=$1 MPC.

The U.S. provost marshal did not minimize the existence of the black market and the currency manipulations associated with it, but instead gave us specific examples of the problems being encountered. Some examples were:

(1) An accomplice in the United States sends green dollars to a serviceman in Vietnam via registered mail. The serviceman sells the green on the black market at a profit for military payment certificates (MPC). He then purchases dollar instruments (e.g., postal money orders, Treasury checks, bank drafts, etc.) which he sends to his accomplice, who uses these instruments to obtain more green dollars, and the cycle repeats itself. One recent case involved a military postal money order clerk who sold himself the postal money orders without completing the MACV form 311, required to record amounts and purposes. This particular case involved in excess of $10,000.

(2) A noncommissioned officer who managed an open mess replaced personal checks cashed at the mess with MPC's to obtain the checks as dollar instruments. He then sold the checks on the black market for a profit, which was then used to replace additional personal checks to be sent to U.S. banks in the form of bank-by-mail deposits.

This procedure completely circumvents the MACV form 311 system. The offender in this case transferred more than $65,000 to a Swiss bank through one bank account of the several he maintained.

(3) Finance personnel have been known to manipulate the sale of piasters above the official preferred rate of exchange, realizing about 38 piasters profit per dollar. (This is not possible any longer since all rates—official, individual, country to country—are set at 118 piasters=U.S. $1 now.) The profits realized would then be used to replace green turned in to finance offices for conversion which, in turn, would then be sold for additional profit. Collusion among finance clerks would produce treasury checks of the Vietnamese Government to transmit the profits. Some persons are known to have made profits in excess of $200,000.

(4) At the rest-and-rehabilitation center, Ton Son Nhut Airbase, just outside of Saigon, a serviceman starts out with a $100 MPC, representing his pay. He solicits the assistance of other personnel going on rest-and-rehabilitation trips to convert it to green dollars, which are then sold on the black market for a profit, and the cycle repeats. It is estimated that funds in excess of $500,000 have been converted in this manner. A recent development has been obtaining permission to go to Bangkok or Hong Kong on military planes for weekends. When a person is on the airplane's manifest, the Tan Son Nhut exchange booth converts his money to green dollars, which are later sold on the black market for a profit.

(5) U.S. civilians in Bangkok purchase U.S. green dollars from the legal money exchanges in Bangkok. They then travel to South Vietnam aboard commercial flights and sell the green dollars for a profit. They use false military identification cards to purchase U.S. dollar instruments, selling them for a profit or returning to Bangkok and depositing them in their bank accounts. One offender mailed in excess of $15,000 to the United States by fourth-class mail which was finally intercepted during a U.S. customs inspection. It is estimated that several hundred thousand dollars have been converted in this way.

The person who obtains profits in Vietnam has the problem of getting the money out of the country. The usual method is to falsify a MACV form 311 by overstating the amount of money received on his last payday. Since form 311 cards presently must be manually filed and checked, and some 400,000 cards are generated each month, it is practically impossible to keep up with the manipulators. An automatic data processing system now is being set up for rapid processing of the cards. This will identify the large-scale manipulators, but the provost marshal knows of no way to identify the one-time offender who spends his profits in the country. Another method to take money out is to buy more than one airline ticket and sometimes one or more automobiles while in Vietnam. The air tickets are cashed and the automobile purchases are canceled upon arrival in the Untied States.

(e) Corruption

This subject could be discussed throughout the entire report. It was a vital matter when we first became involved in South Vietnam and it will be vital until our last citizen leaves the country at the end of our commitment.

The December 1967 issue of Harper's magazine has an excellent article by David Halberstam on corruption in Vietnam. Halberstam was interviewed by a subcommittee staff member and furnished invaluable leads which we tried to develop in the relatively short period of time we were in Vietnam.

There is, no doubt, much substance to his allegations. It is clear that the whole Vietnamese infrastructure, in the civilian government and the military and other aspects of the society, is riddled with corruption. The most difficult thing, of course, is to prove the facts about corruption in either a court of law or in a subcommittee hearing. A Vietnamese witness who testified about it could do so only at the risk of personal danger.

We talked with various newspaper men to whom Mr. Halberstam referred us. These people had all been in Vietnam for about 5 years. They were very knowledgeable about the country. They quietly put us in touch with some influential Vietnamese.

One person we met was a former high official of the national police. He spoke of corruption everywhere. He cited a Vietnamese Army captain who owns a bar at Long Bienh and has a half-dozen or so of his soldiers serving as bartenders and otherwise running the bar for him on a full-time basis. The man we spoke to said he lost his police post because he was too honest. The former police official now has been relegated to a relatively unimportant job.

Another person we talked to had been a cabinet minister in the government of Gen. Duong Van Minh, who has been exiled to Thailand. This man, very well educated with advanced degrees from a well-known university in the United States, similarly spoke of the pervasive corruption in Vietnam.

We received corroboration of these charges of corruption during our field trips in the Mekong Delta from U.S. field officials who related to us that corruption was widespread, from the Province chiefs down to the lower echelons.

There is no doubt in my mind that corruption in the Government and in the society of Vietnam is widespread, continuing, and extremely harmful to our massive effort in that country and to the prospects of the Vietnamese themselves for victory in their struggle and for eventual peace and stability.

All over Southeast Asia, I was told by both American officials and Asians that corruption is a way of life—that it is endemic to the societies of Asia. This may be so—and surely the experience of anyone who has lived in Southeast Asia will bear the officials out. But this is no excuse for doing little or nothing about it.

We know that the corruption of Government officials is a prime argument used by the Vietcong and other National Liberation Fronts to turn people against their governments.

We know that, in the long run, corrupt officials are not responsive to the people they serve.

Therefore, our policy must use the leverage we possess to assure that the Government of South Vietnam takes meaningful steps against corruption.

As one step forward the tax collection and enforcement system of South Vietnam must be substantially strengthened. Such a strengthening would not only provide additional revenue—improving the caliber and quantity of Government services—it would also create new respect for, and confidence in, the fairness of law enforcement in South Vietnam.

It is estimated that less than half the taxes that should be paid are collected. In the words of one U.S. official I spoke to, "Tax evasion is the name of the game." We have stationed Internal Revenue Service advisers in Saigon, and they can help. But here again, it is the Government of South Vietnam that must act.

Saigon has become a booming, bustling city. It is not unreasonable to ask those who are profiting economically from the war effort to contribute substantially more to the development of their country.

As an equally important step in a drive to reduce corrupt influences in the Government, the United States should give direct support and backing to the efforts now underway in the Government of South Vietnam to centralize the appointment of Province chiefs in the elected government—removing what has been a strong power from the Vietnamese Army corps commanders.

This step may appear on the surface to be a bureaucratic reorganization. In fact, it would be a major step forward in the fight against corruption.

At the time of our trip, great numbers of the provincial chief positions were being bought and sold. The going rate for such a job, I was told, was a $25,000 payoff to the army corps commander. Needless to say, the jobs would be worth the price. The Province

chief is the basic authority over funds and assistance that are funneled into his Province. The opportunities for favoritism, bribes and kickbacks are enormous.

The Central Government has spoken out strongly against corruption. Recently, the Thieu government announced the firing of seven Province chiefs. Their replacements have yet to be selected.

In the final analysis, the best weapons against corruption and the most effective tool for progress in South Vietnam is the placing of responsibility at the local level—giving the villages and hamlets a voice and a power over the projects to be carried out in their areas. Realistically, the more echelons that decisions regarding projects, contract awards, and financial assistance must go through—the more opportunities there are for corruption and graft.

The people of South Vietnam have an old saying: "There are six calamities that befall mankind—famine, fire, flood, drought, pestilence—and Central Government."

Traditionally, the activities of local councils and governments have been supervised in minute detail by the Central Government. Saigon has insisted on the uniform application of programs and assistance, often ignoring local initiative and unique local problems.

This has resulted in waste and inefficiency—like building schools where there are no pupils, and bridges where there is no traffic.

But more than that, the tradition flies in the face of modern self-government. Every society on the way to successful development—whether it is Taiwan or Puerto Rico—has reversed this tradition, and encouraged local and individual initiative.

Ordinary people must come to understand that they can influence the Central Government—that the Government will respond to their opinions or run the risk of losing office.

There is a long tradition of local elections of village officials in South Vietnam, and as the so-called pacification program proceeds, elections are to be held in each hamlet and village in the country.

There must be a meaningful transfer of power to the elected local officials. The most significant immediate power that could be given them would be the power to distribute Government-held land to landless peasants under the land reform program. Such a distribution would build an immediate bond between the new officials and the villagers—and provide concrete evidence of the good faith and concern of Saigon for the well-being of the South Vietnamese.

Second, local officials should be granted some authority to raise revenues locally and to use them for locally initiated and developed projects—projects the people can see and use. The impact of the present system, under which taxes are levied by Saigon and revenues are passed up and down the chain of government, was summed up well—if unintentionally—in a recent American booklet prepared by the mission in Vietnam as a guide to the Delta: "In a * * * third of the Delta, the government exercises sufficient control to bring the greater part of the *normal government services* to the people, *which take the form of forced levies on the people for money and labor.*" [Emphasis supplied.]

It is also necessary to proceed as rapidly as possible to expand elective government to the district and province levels—the next levels up from the hamlet and village.

Making province chiefs directly responsible to the elected government in Saigon would be a great step forward. In the long run, however, these province chiefs should be elective officials. In Vietnam, they represent the main channel between the local communities and the central government. So long as they are responsible to the central government, they will continue in the long tradition of government from the top down. If they are elected, there will be substantially more pressure on them to represent the desires of their constituents—rather than the will of the government in Saigon.

The new Constitution in South Vietnam states that province chiefs should be elected officials, but allows them to be appointed by the central government through 1971, if the government chooses. It seems to me that moves toward the election of province chiefs in those provinces where security permits would be an excellent step for the South Vietnamese government to take as soon as possible.

IV. Rice

(a) Production, Importation and Consumption

Rice is a key to our war effort today as it was when the first report was made to you last year.

The Agency for International Development has supplied me with information which shows annual rice production in Vietnam. The rice year generally starts in the fall. The rice is harvested in different locales from January through March of the following year. There are some double croppings annually in the I Corps area but the total production there, which has been reduced by increased military activities, has represented only about 9 percent of the country's annual rice crop. Sixty-eight percent of the production has come from the IV Corps area in the Mekong Delta. About 13 percent was grown in the III Corps area, and the II Corps area accounts for the remaining 10 percent of the Nation's rice production.

The total Vietnamese production for the past 5 years and imports of rice for the same period are shown below:

[In metric tons]

Period	Paddy	Milled rice equivalent	Imports
1962–63	5,205,000	3,383,000	----------
1963–64	5,327,000	3,463,000	----------
1964–65	5,185,000	3,370,000	128,451
1965–66	4,822,000	3,134,000	434,194
1966–67	4,336,000	[1] 2,818,000	773,126

[1] About ½ of the reduction from the previous year was due to flood damage. Also a 20 percent margin should be considered to allow for loss and for nonhuman consumption.

The imports in 1965 started because the United States supplied 25,000 tons of rice under Public Law 480 title I when floods ravaged central Vietnam. The emergency resulted in decreased shipments from the delta and deficit requirements from the northern two-thirds of the country. More American and some Thai rice was imported for 1964–1965.

The availability of rice decreased subsequently because of the decline in the surplus shipped out of the delta to Saigon, the flood of 1966, and the increased deficit in the Eastern and Central Provinces. That deficit was caused by increased military activity and more refugees to feed. While we were told that the deficits will begin to level off in the near future, the effect of the recent Tet offensive has undoubtedly made those predictions overoptimistic.

The estimates for domestic production, importation, and consumption for the ensuing year (1967–68) were represented to me as follows:

Milled rice

	Metric tons
Estimate of production, primarily from the delta	2,200,000
Approximate importation, with 600,000 to 700,000 metric tons to come from the United States	775,000
Total	2,975,000
Less additions to stored stock	50,000
Estimated to be consumed	2,925,000

The briefing material supplied to us indicated that AID officials do not have a good grip on the essential facts and figures of rice production, while one reliable AID source indicated that the consumption figures were probably the weakest of all.

I believe therefore that the accuracy of the foregoing figures may be questioned, and, more importantly, that all rice may not be used for the legitimate purposes for which it is intended.

We were told that the average daily consumption of rice is 1 pound per day per person. An estimated population of 17 million would consume 3,102,500 tons per year. The 2,925,000 tons noted above is based on a metric ton calculation, which is somewhat larger than the American measurement. The two figures therefore relate to each other.

However, some reliable sources in AID's Washington, D.C., headquarters state that the official estimate of rice that was needed beyond Vietnam's dometsic production was set at 35,000 metric tons per month in February, 1965. From the same reliable sources, we have learned that the mission in Vietnam was actually asking AID/Washington to finance additional rice in the amount of 100,000 metric tons per month—even before the Tet offensive. Not all of this would necessarily come from the United States.

There are two obvious questions: (1) Why has the estimate for additional rice tripled in 3 years' time, when the actual production has remained relatively constant and fairly high, except as affected by the 1966 flood? (2) Why has the need for more rice tripled when the holdings of secured land have increased annually, and while the population has remained relatively constant (between 16 and 17 million) throughout these years?

Rice is not cheap. Medium-grain rice is shipped at $175 per metric ton, and long-grain rice is shipped at $195. Both U.S. types carry $30 per metric ton freight costs. Foreign rice is similarly priced, although shipping costs may be less in some instances. Thus, at the 775,000 metric ton figure estimated by AID as imports for this year, the annual cost of the program is at least $135.6 million (for medium-grain rice) $151.1 million for the long-grain variety. Both prices are current under the Public Law 480 program.

Private rice producers have protested that they could command higher prices in the free world market, particularly for long-grain rice. We have received reliable information that our mission officials in Vietnam only recently realized that the Vietnamese prefer the cheaper, medium-grain rice to the long-grain variety long shipped to Vietnam. A colossal blunder appears to have been made.

We also have information that the Rand Corporation has made a study and is in the process of developing a report which will indicate higher production estimates for the current rice crop than AID is forecasting. The U.S. Army has recently made a report showing that some 500,000 tons of rice shipped into Vietnam cannot be accounted for. I have asked the subcommittee's staff to obtain these reports and investigate further.

In concluding these comments on rice, I should point out that the amount of rice in storage does not explain the variance among the aforementioned estimates, because the amount of stored rice is relatively constant, never exceeding some 130,000 tons, which is slightly more than 1 month's supply. However, this is not meant to say that all of the rice in the warehouse is kept in excellent condition. We accompanied representatives of the State Department's Inspector General's Office to a warehousing complex known as Thu Duc, which is located between Saigon and the large U.S. military encampment at Bien Hoa. The warehouses were constructed under AID financing and were then being used by the Vietnamese Government's Central Purchasing and Supply Agency. In this complex alone, inspection disclosed that

of the 70,000 tons of United States and Thai rice (worth more than $12 million) stored in the complex, some 12,000 tons (at least $1.1 million worth) suffered from spoilage and infestation.

(b) Price of Rice

We were told that at the start of the import program, the price of imported rice was converted into piasters at the rate of 60 piasters to the U.S. dollar, making the imported rice generally competitive with the domestic price of Vietnamese rice. However, the devaluation of the piaster in June 1966 and the steady rise in world rice prices has changed this to the point that imported rice without subsidy would be considerably higher in price than the domestic rice.

Therefore, the Vietnamese Government began a subsidy program with American encouragement at the time of devaluation in order to keep the rice price low. By the end of 1966, however, it was apparent that the large and growing subsidy could not be supported indefinitely. Some experts felt that this artificially low price also contributed to declining domestic rice production.

In March of 1967, the Vietnamese Government decided, again with our encouragement, that an increase in the price of rice was necessary. The price of medium-grain U.S. rice in Saigon was raised to 15,000 piasters per ton (18,000 piasters per ton if remilled) while the price of long-grain rice became 22,000 piasters (25,000 piasters if remilled). However, the Vietnamese did not raise the price in central Vietnam (I and II Corps) where the price remained at 11,800 piasters per ton. If these prices are continued in 1968, the government subsidy will be slightly over 7 billion piasters, not including storage costs.

We were advised by AID officials that a survey conducted by the Vietnamese Economics and Statistics Section of the Ministry of Agriculture had established the prices paid to farmers. The study involved 1,350 farmers in selected provinces of the Mekong Delta, who stated that they had more than one potential customer and that they averaged 12 to 13 piasters per kilo for high grade paddy rice. (Approximately 156 kilos of paddy rice produces 100 kilos of No. 1, 25-percent broken milled rice.) If, for example, the farmer receives 12 piasters per kilo for ordinary white paddy rice (which is better than "red rice" or "floating rice"), the price at the provincial capital's mills is about 13 piasters. (The miller accepts the brans and broken grains that result from the milling process as his compensation for the milling.) At this point, handling and transportation costs per hundred kilos would add 100 piasters, plus another 100 piasters for the wholesaler's margin. This would bring the wholesale price in Saigon to about 2,228 piasters per 100 kilos of white milled rice. With a retailer's margin of 100 piasters added on, the figure would rise to 2,328 piasters. It was emphasized that the rice market operates on about a 2-piaster spread per kilo between the wholesaler and the consumer. As is the case with other scarce commodities, the price usually fluctuates upward as the supply decreases.

The same officials did say that the price of paddy rice to the farmer 1½ years ago was only 7 piasters per kilo. They seemed to feel that the subsidized market conditions had resulted in a general increase in price to the farmer, and that therefore it had not been necessary to give any subsidy to the farmer. The difference in overall cost between the present system and the system of price subsidy to the farmer apparently has never been determined.

(c) IR–8 "Miracle" Rice

The rice economists indicate that the war has caused some 1.5 million people and 300,000 hectares of land to have been withdrawn from rice production in the last 4 years. This has relieved manpower shortages which have developed elsewhere but the question of further labor input into rice production at this time is of critical concern. Therefore, the economists feel that efforts to increase production must be restricted to efforts to increase yield.

Such increased production will have to concentrate on the introduction of improved seed varieties, increased use of fertilizer, and improvements in the distribution of other agricultural inputs and technical information.

AID's agricultural advisers, with the support of Vietnamese Minister of Agriculture Ton That Triuh, have recommended a high yielding rice seed, which is also responsive to fertilizer application. This rice, known as IR–8, was developed by the International Rice Research Institute in the Philippines. It was introduced to Vietnam in November 1967 in small plots at a hamlet known as Vo Dat, in Bien Tuy Province, some 100 miles northeast of Saigon.

The rice, when full grown, was planned to be used for early seeding in the delta in March 1968. Present yields for existing Vietnamese rice have ranged from 1.9 to 2.1 metric tons per hectare, from 1958–59 through 1966–67. Estimates, based upon testing of the new rice, vary from a conservative figure of 3 metric tons to a "not uncommon" figure of 6 metric tons per hectare. In fact, the experts are using 3.5 metric tons per hectare in their calculations to show that Vietnam eventually can be self-sufficient in rice.

Estimates were that 2,400 metric tons would be produced on the random 800 hectares now planted with IR–8 rice. Thereafter, the proposed growth schedule for the IR–8 acreage would be:

Year	Proposed growth schedule (hectares)
Fall of 1968	20,000
Fall of 1969	100,000
Fall of 1970	500,000
Fall of 1971	750,000

Vitally needed water control projects are planned for initiation in 1968 through 1971, to add an additional 250,000 hectares for IR–8 use. AID has also indicated that the first seed, presently used, costs about $200 per metric ton in its rough form, and that the farmers experimenting with it are "paying their own way" thus far.

The plan appears to be extremely overoptimistic—especially in view of security problems and the extremely rapid increase in hectares. The agricultural economists have pointed out other pitfalls to the success of the program:

(1) *Paddy price.*—Farmers must be assured of paddy prices which clearly make it profitable to grow rice and to adopt improved practices. Imports must be planned and prices set to hold market prices, especially during harvesttime.

(2) *Fertilizer requirements* are large for IR–8, over 100 kilos per hectare, and will increase with rice production. The present estimates are that the following tonnage of plant nutrients, in thousands of metric tons, will be absorbed:

Fall of 1968	48.0
Fall of 1969	70.0
Fall of 1970	94.0
Fall of 1971	122.5

It is also estimated that financing for fertilizer required for the 4-year period will be about $182.5 million (U.S.) plus 3,566 million piasters (GVN).

(3) *Plant-protection.*—The agricultural experts estimate that the following amounts of pesticides will be needed:

	Metric tons
Fall of 1968	1,800
Fall of 1969	2,000
Fall of 1970	2,400
Fall of 1971	2,600

The 4-year cost of this program is estimated at $44.5 million (U.S.) plus 170 million piasters (GVN).

(4) *Rice production training and demonstration.*—Extension advisers, both American and Vietnamese, are to be trained in IR–8 cultural methods to guide Vietnamese farmers. Some 50 American and 140 Vietnamese advisers are to train for about 2 weeks per course, and 1,000 controlled demonstrations were planned in 1968 and 1969. A Vietnam training center will be established.

The estimated cost of these services will be approximately $1.8 million (U.S.) plus 103 million piasters (GVN).

(5) *Farm credit.*—Studies show that credit and capital are important limiting factors upon agricultural production in developing countries. The experts say that the minimum agricultural credit inputs, including IR–8 production credit needs, should be supplied:

Fall of:	Million piasters
1968	896
1969	1,380
1970	2,485
1971	3,811

(6) *Water control and management.*—About 250,000 hectares of high quality riceland are planned to be converted for IR–8 production in the period from 1968–71. The program emphasizes smaller scale water control and management projects rather than long-term irrigation investments. The estimated financial assistance needed for these programs would be approximately 9.2 million (U.S.) plus 2,200 million piasters (GVN).

(7) *Seed research and multiplication.*—These requirements greatly increase as the IR–8 seed is adopted widely. The program calls for seed storage processing and laboratory equipment for use at rice research stations and training centers. No financial estimate for such a program has been given.

(8) *Labor requirement and mechanization.*—If the targets for the IR–8 production are met, the experts feel that this will result in a 6-percent increase in labor needs in fiscal year 1970, and a 20-percent increase in fiscal year 1971, assuming no progress in mechanization.

Alternately, if the optimistic estimate of 5 tons per hectare is realized, there will be a strong inducement for increased mechanization in the form of expanded use of tractors, power tillers, pumps, and power threshers. Labor input would thereby be reduced up to the same 20 pecent.

In any event, there would be either the added cost of labor or the added cost of the mechanization to be considered.

(9) *Marketing.*—The planned increase of nearly 50 percent in paddy production by 1970–71 will require expansion of the marketing system. Handling methods, storage, milling, and transport will all have to be made more efficient. Main reliance will be placed on the initiative and investment of private business. However, the experts anticipate the rice shipments from the delta, in thousands of metric tons, to be:

1968	338
1969	495
1970	475
1971	1,069
1972	1,321

The realism of these estimates in the light of heightened Vietcong activity is subject to question. In that regard, I am inserting a copy of a newspaper article, found in the New York Times of April 10, 1968, entitled "Lack of Security in Rural Areas Upsets South Vietnam Rice Plan."

"SAIGON, SOUTH VIETNAM, April 9.—A lack of security in large parts of the South Vietnamese countryside has seriously upset the American timetable for making the nation self-sufficient in rice production.

"The U.S. Agency for International Development said in January that it was confident a rice surplus could be created in just 3 years by introducing a new variety of rice seed, IR–8, in South Vietnam.

"But today a high official of the Agency said that the prediction had been far too optimistic. He said that, instead of planting the seed on 110,000 acres this year, as it had planned, the Agency had adjusted its goal to about 70,000 acres.

"The reason for the adjustment, he added, is the insecurity caused by the enemy's Lunar New Year offensive against the cities. In responding to the attacks at the end of January, the South Vietnamese Government pulled many of its rural security forces into the cities, leaving much of the countryside exposed to the enemy.

"ROADS ARE DANGEROUS

" 'The situation is improving, but the roads in several areas still are not secure enough for us to get fertilizer through to the farmers on a regular basis,' the official said. 'This variety of rice seed requires regular fertilization.'

"The Agency also fears that, in some areas, the rice would fall into the enemy's hands, at harvest.

"In January, when planning for the rice experiment was moving into its final stages, the agency and the South Vietnamese Ministry of Agriculture decided to send the new seed to what were then thought to be the most secure parts of the country's rich ricelands.

"The Agency referred to its rice program then as a 'major new thrust' against communism. It reasoned that when the seed substantially increased rice yields in secure areas, farmers in insecure areas would help the Government defense forces in order to get the special seed.

" 'One of the best ways to attack the Vietcong is through the pocketbook,' an Agency official said early this year. 'Now that rice prices have been stabilized in South Vietnam, even a very small farmer can do well by Asian standards if he can substantially increase his rice yields. And if the small farmers—the peasants—do well, the Vietcong philosophy will lose some of its appeal.'

"BOON TO PHILIPPINES

"In the Philippines, where the special seed was planted on a vast scale, it not only increased the incomes of farmers, but made the nation self-sufficient in rice production. The Philippines had been a heavy rice importer.

"Officials of the Agency were confident that IR-8 would do the same for South Vietnam. The country, once a rice exporter, is now importing 800,000 tons of rice a year—a development that has increased the financial burden on the United States and South Vietnam.

" 'But all of our hopes rested on having secure parts of the countryside,' an agricultural adviser said. 'We still have enough of them to get the program started, but it will not be nearly as big a program as we had hoped.'

"To arouse the interest of South Vietnamese farmers, agricultural advisers planted several small IR-8 plots in scattered parts of the countryside last year. The purpose of the program was to show that IR-8 would not only produce more rice per acre, but could produce two crops a year in some areas.

"The short growing cycle impressed many farmers immediately and agricultural advisers said that they had little trouble signing up applicants for the seed.

" 'Things really looked great,' one of the advisers said, 'until the Tet offensive came along.' "

This article corroborates my concern which I felt when I was in Vietnam last December.

Additional objections to the introduction of the new IR-8 rice to Vietnam were given to us as follows:

(1) Such new rice strains could wipe out the existing rice.

(2) Some Vietnamese say that they have failed with other experimental types of rice. Nationalistic pride seems upset because IR-8 was developed by the Institute in the Philippines and appears to be a success.

(3) Farmer education will be required because the IR-8 rice will require more fertilizer, more insecticides, and more work.

(4) Consumer acceptance is still to be determined.

(5) The product may be less nutritional.

While the program followed thus far seems to be constructive, considerable study appears to be required to determine the economic effects of introduction of the new rice. Particularly needed will be complete facts about the total costs of the ambitious program now planned and consideration of the possibility that economic problems may rise from an eventual overabundance of rice in the Vietnamese economy.

(d) Land Reform and Credit Initiative

Throughout the delta and other rice-bearing areas land tenure varies greatly. In some Provinces land is held by small owners. In others, large blocks are owned by families—often in violation of the 100 hectare (247 acre) limitation—and rented to tenants. In fact, about 60 percent of South Vietnam's land suited to rice production is cultivated by tenants—tenants who resent their landlords taking advantage of them.

It is a well known fact that of the 800,000 tenant farmers, the rental contracts held by more than two-thirds long ago expired. And it is certainly no secret that rental charges imposed on large numbers of peasants greatly exceed the authorized maximum charge, while rentals tend to increase when security conditions improve.

In a country whose very future depends on the peasant's confidence in his government—and a country so desperately in need of rice production increases—these breaches of the law are of critical importance.

For the relationship between a farmer and the land he tills determines both his desire and capability for increasing production. Indeed, it is estimated that rice production would increase from 5 to 10 percent if rental regulations are properly enforced.

If these tenant farmers received titles of ownership to land they work, pride of ownership would surely produce even more dramatic results.

While security is the first priority for South Vietnam, land reform must follow in its wake if the peasants in the countryside are to see concrete evidence of the Government's concern for them, and if a strong economic base is to be built.

It, therefore, seems to me that our mission in Vietnam should couple our investment in the IR-8 rice program with strong efforts to urge the South Vietnamese Government to undertake two programs concerned with land reform:

(1) The Government should distribute immediately—and, wherever possible, through local elected governments—as much of the land in its possession as is now secure; and the remaining titles should be given to farmers just as soon as conditions of security prevail.

(2) Hundreds of thousands of acres are now held by landowners in large blocks violating the 100 hectare (247 acres) limit. The newly elected South Vietnamese Government—with its clearly enunciated promise of land reform—must vigorously enforce the landownership limitation if it is to gain credibility with the people.

Landownership will encourage the Vietnamese peasants to increase paddy production by using the improved high-yielding seed, new technology, irrigation water, more effective pesticides, advanced agricultural methods and machinery, adequate fertilizer, proper storage facilities as they become available, and more efficient means of transport and marketing. All require investments of capital.

Financial limitations—not a lack of peasant initiative—will be the single most restricting factor after land distribution in the secure areas of South Vietnam has been carried out.

It seems to me that the United States should make every possible effort to see that two steps are taken immediately:

(1) The Government of South Vietnam should raise the price of rice received by the farmer in order to create greater incentives for the production of rice and capital for reinvestment; and

(2) The Government should develop adequate incentives for savings.

Estimates of the credit rice farmers will need by 1971 will exceed 20 billion piasters. The Agricultural Development Bank's goal of 5 billion piasters by 1971 will be helpful in extending short-term credit, but this sum will only serve a small part of the total requirement.

The Vietnamese people themselves are the main source of untapped farm capital. In Japan, Taiwan, and Korea the people are the prime source of funds for financing farm credit needs. This could be true in Vietnam, too, if the Government would develop adequate incentives for savings. Interest rates on savings and deposits are unrealistically low. The Government must allow rates to reflect the shortage of savings. It must also initiate savings operations in rural areas.

Rice production goals—long expired and never realized—are nothing new in Vietnam. This time, with technical and financial assistance from the United States, we hope for success.

But the burden of responsibility for success or failure rests with the South Vietnam Government. Secure conditions must be followed closely by widespread land reform and the creation of capital resources if success is to be the end result. Success is badly needed.

V. Military construction

(a) Raymond, Morris-Knudsen, Brown, Root & Jones

The RMK/BRJ (Raymond, Morris-Knudsen, Brown, Root & Jones) joint venture has handled practically all contracts for military construction in South Vietnam, with the one major exception of a "package" Air Force contract for an airfield at Tuy Hoa, which was handled by the Walter Kidde Co. with a ceiling of $47 million.

RMK/BRJ has been in South Vietnam for the past 7 years, doing construction work under contract with the U.S. Navy Civil Engineering Corps for which it built facilities, airports, docks, and many other installations. The contract, when it is phased out in late 1968 or in early 1969, will total approximately $1.4 billion. RMK/BRJ is operating under a cost-plus-award-fee (CPAF) contract which provides a 1.7 percent fixed fee, if the contract is performed correctly, plus a maximum incentive of 0.76 percent if the contractors meet the Navy's established criteria for outstanding performance. The incentive fee is fixed and paid on a periodical basis. Thus far the combine has received the maximum amount each time that the Navy has made a determination.

Projects current, at the time of our visit, included the following:

(1) *Port of Hue.*—This will allow 4 LST's to unload simultaneously and will also provide a storage area.

(2) *Civilian casualty hospitals.*—Three hospitals will be at Da Nang, Chu Lai, in the north, and Can Tho in the delta. They will total 1,100 beds and will be completed in the summer of 1968. This contract may be a lump sum contract instead of CPAF.

(3) *Power generation and distribution systems.*—These will be for military bases only.

(4) *Completion of the water and sewage system.*—$10 million is estimated for this project.

(5) *Development of the Au Giang rock quarry.*—This is an AID project in the delta.

(6) *Extensive road building program.*—Some of this will be done by RMK/BRJ, some

by military troops, and some by Vietnamese Public Works Department.

The crash program of new construction and the surge of incoming equipment, materials, and supplies—all Government reimbursable—followed the military buildup of 1965 and reached a peak in the spring of 1966, although the work in place did not peak out until the following March of 1967 ($64 million).

The subcommittee was concerned in 1966 that RMK/BRJ did not appear to use necessary foresight to obtain sufficient personnel to handle the influx of material, nor did they apparently take other proper steps to insure receipt, storage, theft protection, and accountability for shipments. There was sufficient time to prepare; there was usually 3 to 4 months lapse of time between procurement in San Bruno, Calif., and delivery in Vietnam. RMK/BRJ had been on contract in Vietnam for a number of years.

In fact, the RMK/BRJ manager of procurement and supply acknowledged failure in satisfactory documentary and recordkeeping control, or physical control, or receipt, custody and disposition of materials. We have learned that, because of RMK/BRJ's initial negligence, there was no intention to keep proper records of the supplies or of the claims that should have been made for short or improper deliveries. These claims against suppliers normally should run into the millions of dollars for a contract of this size. It was also learned that RMK/BRJ intended to build the lack of accountability to a sizable amount so that the very magnitude of the unaccounted-for items would facilitate the issuance of a waiver of accountability for them. Further information indicated that the procurement officer, Bernard J. Coyne, was sent to Vietnam specifically to aid the combine's cause in waiver negotiations with the Navy. Morris-Knudsen did get a writeoff of between $25 and $32 million for earlier work in Alaska, and Coyne was reported to have said there was no need to worry about Vietnam on this score.

The minutes of an RMK/BRJ "managers and superintendents meeting," dated July 12, 1966, indicated that Coyne had estimated approximately $45 million worth of materials would probably not be accounted for because of theft, unapproved withdrawals from warehouses, and improper paperwork. The obvious implication was that the fault, if any, for this loss would be placed upon the Navy.

Since that meeting, the General Accounting Office has had personnel assigned to auditing and review of the RMK/BRJ contract. In May 1967, GAO reported to the Congress that millions of dollars worth of materials and supplies had been dumped in temporary open storage areas and were issued directly from them without controls. *The GAO felt that it would be practically impossible to reconstruct, with any degree of accuracy, the accountability for materials and equipment which have been:*

(1) Used on authorized construction projects without accountability.

(2) Appropriated without authorization or documentation by military units or others for use outside the scope of the contract.

(3) Damaged, pilfered, or stolen.

At the same time, the GAO said the contractor could not account for approximately $120 million worth of material shipped from the United States to Vietnam.

Now, however, we have been told by both RMK/BRJ Officials and Navy officers that the $120 million of materials reported unaccounted for, has dwindled to a mere $5 million carried in the "in transit" account.

RMK/BRJ has engaged a firm of accountants—Touche, Boss, Bailey and Smart—who assisted in the materials accounting work. The tremendous decrease supposedly has resulted from: (1) extensive engineering studies about materials that have become in-place, and products in the construction work; (2) materials actually on hand but not properly entered in the accounting records as well as materials issued without proper documentation; (3) known and reported cases of thefts or other losses; (4) unaccounted-for materials left in the "in transit" account.

In addition to this supposed $5 million carried in the "in transit" account, RMK/BRJ officials stated that another $5.6 million of equipment, materials and supplies, had been "surveyed" as worn out, lost or stolen. Navy officials stressed that equipment does not wear well in the Vietnamese environment. The Navy said that the actual survey work is done by the Army, after the Navy turns over the equipment, since the Army is the disposal agency. We were also advised that total RMK/BRJ procurements were $465 million, consisting of $340 million in materials and supplies, and $125 million of equipment.

I find it incredible that the RMK/BRJ joint venture could reduce the total figures for unaccounted-for materials and supplies from $120 million in May of 1967 to $5 million in November of 1967, *particularly after GAO had indicated such a lack of accountability controls.* It is hard to believe that the Navy would acquiesce in what appears to be some form of coverup or subterfuge. In my view, the information given to us was completely unconvincing.

I learned in Saigon that the GAO has done very little about this matter since the report was issued in May of 1967. Our subcommittee's staff is primarily engaged in working on the riot investigation, but the GAO does have personnel assigned to Vietnam. I personally feel that we would be remiss in our duties if we failed to seek the facts. I believe that the GAO should take a hard close look at this situation so that any obvious deficiencies can be corrected while there is still time.

(b) Pacific Architect & Engineers—Grand Hotel

The Army Procurement Agency entered into a cost-plus-fixed-fee contract with Pacific Architect & Engineers (PAE) in 1963 to provide management and to operate and maintain physical facilities and utilities of installations used by the U.S. Army and related units throughout all of South Vietnam. The 1st Logistics Command of the U.S. Army, Vietnam (USARV) was designated to administer the contract for the Army.

The work done by PAE under the terms of the contract is somewhat comparable to the work of an Army Post Engineer at continental U.S. Army posts in the field of repair and utilities (R. & U.) work. The size of the contracts have expanded rapidly, from an estimated $500,000 reimbursable cost for R. & U. service to 5,000 troops at nine military locations in 1963, to $133 million for R. & U. and related services for 500,000 troops at 97 military locations by the end of fiscal year 1967. The cumulative dollar amount is second only to the RMK/BRJ total construction contract. PAE's employee ceilings are presently set at about 27,000 persons.

Mr. Adlerman and Mr. Morgan first learned about this company when two former employees came to them during their October 1966 visit to Vietnam. The employees were concerned about a construction project that this company had undertaken in very questionable circumstances. It was known as the Grand Hotel, located at Nha Trang, Vietnam. In mid-year 1965, the U.S. Army determined that office space, troop barracks, and messing facilities were required in Nha Trang for a Field Forces I headquarters. The only facility readily available was the Grand Hotel, formerly a commercial hotel which was then being used by the Air Force for billeting under a lease arrangement with the Vietnamese owners.

The 1st Logistical Command leased the hotel from August 16, 1965, to August 15, 1966, at an annual rent of about $78,300, with the option to renew for 4 additional years at approximately the same rate.

The initial Army estimate was $208,423 to renovate the hotel and its annex as a headquarters site, including a 600-man cantonment, powerplant, and electrical system. However, when it was determined that congressionally appropriated military construction funds (MCA) were not availabe, it was then determined by the Army that operation and maintenance (O. & M.) funds would be used. The statutory limit for the use of such funds under these circumstances was $25,000. The 600-man cantonment (25 billets) therefore was reduced to six billets, seven air conditioners were deleted, the total was reduced to $73,655 with each of six individual segments of the project reduced to less than $25,000.

The estimates, before and after revision, were:

	Initial estimate	Revised estimate
600-man cantonment	$121,500	$22,800
Powerplant	22,000	22,000
Security fence	16,200	16,200
Renovation of Grand Hotel	2,221	2,221
Renovation of annex and garage	1,434	1,434
Electrical distribution	45,068	9,000
Total	208,423	73,655

The facts are that the Army, on August 16, 1965, verbally gave PAE authority to start the renovation and construction under the regular R. & U. contract. Six individual job orders, *all under $25,000 each,* were approved by the 1st Logistical Command.

By early December 1965, it was apparent that the costs for the headquarters facility would far exceed the funding limitations. It was then estimated by the Army that the costs would be around $475,000 for labor and supplies, including some Government-furnished generators costing $90,000. PAE at the same time was estimating the costs to be about $787,000, including some $253,000 in Government-furnished equipment.

At a meeting on December 17, 1965, between PAE and Army personnel, it was decided that new contracts should be executed to use assistance-in-kind funds, which are local currencies generated by country-to-country agreements in the form of counterpart funds. In fact, the Army approved two AIK contracts on December 31, 1965. They included some $175,000 which had been expended under the basic R. & U. contract and was backed out and put into the assistance-in-kind contracts. The first contract, AIK–14–66, was awarded on a cost-plus-fixed-fee basis, in the amount of $252,361, and provided for the supervision, labor, material, and equipment necessary to rehabilitate the Grand Hotel and Annex. The second contract, AIK–15–66, was awarded on a fixed-price basis, in the amount of $172,610, and provided for supervision and labor necessary to construct a 500-man messhall, three bathhouses, six administrative buildings (similar to billets), one water supply and distribution system, and one security fence. The Army was to furnish the necessary materials, supplies and equipment, all charged to AIK–14–66. On January 29, 1966, the contracting officer orally originated three individual job orders for the construction of a powerplant facility, power distribution system, and communications center in the total amount of $412,531. These were to be incorporated into the AIK–15–66 contract. We understand that the Army contracting officer did not necessarily agree with this arrangement, but indicated that this was the only way he could get the funds and that he was going to burn all of the records shortly after the completion of the project.

When the work was finished, PAE submitted public vouchers for reimbursement

totaling $701,973. The Army provided material and supplies valued at $294,253. The total recorded costs of the project were $996,226.

Significantly, the pertinent statute which was being circumvented here reads as follows:

"(Title 10, U.S.C., sec. 2674)

"2674. Establishment and development of military facilities and installations costing less than $200,000.

"(a) Under such regulations as the Secretary of Defense may prescribe, the Secretary of a military department may acquire, construct, convert, extend, and install, at military installations and facilities, urgently needed permanent or temporary public works not otherwise authorized by law, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters. However, a determination that a project is urgently needed is not required for a project costing more than $15,000.

"(b) This section does not authorize a project costing more than $200,000. *A project costing more than $50,000 must be approved in advance by the Secretary of Defense, and a project costing more than $25,000 must be approved in advance by the Secretary concerned.* [Emphasis supplied.]

* * * * *

"(f) The Secretary of each military department shall report in detail every six months to the Committees on Armed Services of the Senate and House of Representatives on the administration of this section."

It should be noted that the Secretary of the Army did not approve of the expenditure of this money in any way at any time and that the approval of the original job orders appears to have been a circumvention of the statute. The attempt to transfer the contracts to assistance-in-kind funds appears to have been both a circumvention of the same statute as well as a violation of a MACV directive on the use of some of these funds for offshore procurement.

PAE personnel and the Army contracting officer went to Hong Kong and Singapore to purchase material and supplies for the Grand Hotel project. Some $125,000 was spent in Singapore, in spite of the fact that assistance-in-kind funds are provided by the Government of Vietnam to U.S. forces for use only in Vietnam. The pertinent portion of MACV directive No. 35–1 to this effect is:

"Assistance-in-kind is authorized for contracts and services available in Vietnam only. AIK may not be used for goods and services provided from sources outside the Republic of Vietnam."

There were also definite indications that some of the PAE employees were receiving kickbacks for giving the business to certain Singapore firms. There were further indications that the contracting officer if not directly involved was purchasing inferior commodities at higher prices.

In addition the GAO accountants assigned to the subcommittee in Vietnam last year found that PAE records were poorly kept. However they were able to determine that $165,964 worth of materials paid for by the United States under the terms of the contracts were unaccounted for.

When our staff members were in Vietnam in 1966 they asked for an independent engineering survey of the Grand Hotel project. This request was turned over to a GAO accountant to pursue. He met with delay after delay but finally just before we left for Vietnam last December the engineering survey was given to the subcommittee. It is so conditioned in its premise that it is of little, if any, value. *Not surprisingly, the results based upon such conditioned premises nonetheless justify the expenditures that were made.*

On March 20, 1967, the Comptroller General, answering our request for an opinion, said that the provisions of title 10, United States Code, section 2674, including those relating to operation and maintenance funds, apply to construction and renovation projects in Vietnam in the same manner as they apply to similar projects in the United States.

The significance is that when the matter was called to the attention of the provost marshal at U.S. Army Headquarters, whose investigations division did a considerable amount of investigative work on this matter, the Army seemed to be completely satisfied with the facts as they remain. The Army had referred the matter of kickbacks involving a PAE civilian employee to the Department of Justice, and the U.S. attorney had declined prosecution, apparently because witnesses were scattered around the world. The Army also relied upon the worthless engineering survey to show that the costs were justified. The Army had nothing to say about the violation of the Federal statute or about the use of assistance-in-kind funds. No comment was made about the GAO's indication that some $165,000 in materials were unaccounted for.

Under these circumstances, and because the subcommittee was unable to pursue this matter further last year because of other business, I recommend that we ask the General Accounting Office to examine the situation to see if there cannot be some recovery for the Government.

(c) Pacific Architect & Engineers, General Information

Because of the haphazard manner in which Pacific Architects & Engineers seemed to be operating when Messrs. Adlerman and Morgan visited Vietnam in October 1966, the new GAO members assigned to the subcommittee to replace the two-man team that had worked on the Grand Hotel project were told to study the PAE operations in depth.

The rapid growth of the PAE contract has been explained. Because of it, PAE was able to eliminate any semblance of competition so that they had become, in effect, a negotiated monopoly on a cost-plus-fixed-fee basis. The rapid growth placed PAE in a commanding position in the planning and development of its R. & U. services even though they were of a relatively low priority. The Army, busy with the buildup, apparently gave little surveillance to PAE's operations. The commanding general of the 1st Logistics Command, who administered the PAE contract, told Alderman and Morgan in October 1966 that when the buildup began "PAE had to move fast, so there were few records kept." The general seemed pleased with PAE's performance, and stated to Adlerman and Morgan, "PAE has done a creditable job, in most instances, all over Vietnam."

The two-man team working for the subcommittee found, on a preliminary basis, that PAE in fact kept very few records and that many of those were inaccurate. There was a lack of documentation about whether or not their work performance had been relatively poor, as had frequently been alleged. The accountability control of materials and utilization of labor and equipment was inadequate and an effective cost accounting control system had not been established.

The two-man team found some other aspects of PAE's operations which were subject to question:

(1) PAE rented trucks and equipment which were Government-reimbursed at costs of several million dollars. There is a serious question about the necessity and proper utilization.

(2) PAE also purchased some $10 million of equipment through their own sources which they could have obtained more cheaply through normal Government channels. Many of these items were nonstandard.

(3) PAE installed a country wide radiotelephone communication system which parallels the military system to the same base camp locations. This Government-reimbursable expenditure is questionable.

(4) PAE's authorization to make direct purchases of equipment, materials and supplies because needed items were not immediately available through Government procurement and supply channels is economically questionable.

(5) Many PAE installations appeared to be overstaffed and poorly supervised while others were in exactly the opposite condition. The manning and equipping of PAE installations for R. & U. services obviously were not properly tailored to the real needs of each individual installation.

Although the Army indicated to us that this contractor is now under proper surveillance, and that the Army will attempt to "break out" portions of the overall R. & U. contract for competitive bidding, I believe that a complete audit of the PAE contract should be undertaken to determine whether considerable funds might be returned to the Federal Government.

VI. Narcotics

We were provided the following information by the U.S. provost marshal in Vietnam, who has staff jurisdiction over all of the U.S. military forces in Vietnam, about the number of marihuana and "hard narcotics" cases developed from January 1, 1967, through November 1, 1967. These statistics are:

Marihuana:	
Cases investigated	1,239
Offenders found	1,513
Morphine and heroin:	
Cases investigated	29
Offenders found:	
Military	34
Non-American civilians	10
Total	44

The foregoing information, although it doesn't bear out the allegations of John Steinbeck, Jr., that 75 percent of the troops "are on pot," nevertheless is in marked contrast to what a predecessor MACV provost marshal told us in October 1966 when he said that such usage was practically nonexistent.

There is no doubt that the use of marihuana is hard to control because it grows wild in the plains sector of the country and is of fairly good quality. There also is little or no processing involved in getting it from the fields to the user. The Government of Vietnam has no law prohibiting the growth of marihuana, only its use. One strong recommendation that the provost marshal representatives made to us was that we impress upon the GVN the need to prohibit the growth of hemp, as it is called there.

There is, of course, the classic argument whether marihuana is actually a narcotic, but it seems well established that its use tends to change the personality of the user. Certainly a military man who used it would be unpredictable and unreliable in a combat situation.

We were told that 11 of the more serious cases involved a group of "dippies" who all got "hooked" at the same time. They were all in the U.S. Army of Vietnam (USARV) command. A more serious warning came to us from U.S. Bureau of Narcotics officers, operating out of Bangkok, Thailand. We were told that they have some information that opium comes down from the Yunan Province (Red China), Laos, and Northern Thailand region both by pack animal and by truck and is transferred to light aircraft and flown to Vietnam where it is then air-dropped to waiting traffickers. Chinese merchants seem to be in this business, and there are some Chinese addicts located in the Chulon section of Saigon, but the officers suspect that this may be a part of a larger scheme to attempt to influence U.S. military men by the

use of, and eventual addiction to, these drugs.

The Government of Vietnam has a law prohibiting the illicit growth, use, and possession of opium and its derivatives and has recently posted rewards to limit the illicit supply of these drugs. The reward system pays the informational source some 5,000 piastres per kilo (about $42 per 2.2 pounds), which is a tiny fraction of the value of the narcotics but represents a step in the right direction.

Both the U.S. Bureau of Narcotics and the U.S. provost marshal—who, of course, is responsible for the enforcement of the military laws against the use of marihuana and illicit narcotics by our military personnel—have indicated they would like to have at least one Bureau of Narcotics representative assigned to Vietnam to work on the illicit flow into the country, to develop informants, and to render technical assistance to the military police. I have strongly urged that this be done, and it is hoped that this will be accomplished.

B. THAILAND

VII. Thailand foreign aid program

A summary of all information we received concerning the AID program in Thailand from AID Director Howard Parsons and his staff is reported below. The AID program is justified on the basis of combating counterinsurgency in the northern and northeastern portions of the country. This project, utilizing some $22 million of a total of $50 million for Thailand during fiscal year 1967, has a worthy objective. The rest of the program has merit in varying degrees, although some activities seem to have run their course and should be closed.

Thailand is a country three-fourths the size of Texas. The country has had 3.3 percent annual rate of population growth since 1961, when there were 27 million persons. The population in 1967 was estimated to be 33 million people. The overall gross national product, determined at 1965 prices, has grown from $2,626 million in 1960 to $4,242 million in 1966. A per capita GNP of approximately $107 per year in 1961 grew to $139 per person per annum in 1966. The distribution is not even because the gross national product for inhabitants of the north amounts to about $65 per person (with the actual cash crop amounting to only $25 per person annually), while the GNP in the central sector averages as high as $130 per capita per year. The central sector is predominantly agricultural, with the cash crop amounting to about $75 per person annually.

The key exports of the country include rice, rubber, tin, jute, corn, tapioca products, and teak. The rice exports as reported for 10 years, 1957–66, are:

Year	Metric tons	U.S. dollars
1957	1,570,000	$181,000,000
1961	1,576,000	180,000,000
1962	1,271,000	162,000,000
1963	1,418,000	171,000,000
1964	1,896,000	219,000,000
1965	1,895,000	217,000,000
1966	1,515,000	201,000,000
1967 (January–July)	1,050,000	161,000,000

Imports for the past few years show the United States in a very favorable position. This is particularly true when they are compared with the Government of Vietnam's commercial import program, where the United States only received $17 million out of a total of $306 million for fiscal year 1967. The Thai import figures are:

[In millions of U.S. dollars]

Imports from—	1962	1963	1964	1965	1966 [1]
Japan	168	204	235	257	292
United States	98	109	115	120	129
United Kingdom	51	57	66	74	71
Malaysia	2	3	10	8	9
Hong Kong, British Crown Colony	16	17	20	20	18
Federal Republic of Germany (West Germany)	41	44	55	77	65
Indonesia	40	39	24	18	21
Singapore	2	6	13	7	13

[1] Preliminary.

The following figures should be considered in determining the amount of aid appropriate to Thailand. They pertain to exports, imports, and the balance of payments.

[In millions of dollars]

Balance of payments	1961	1962	1963	1964	1965	1966
Exports	+473	+454	+460	+585	+609	+680
Imports	−492	−540	−603	−674	−760	−1,022
Other transactions	+97	+148	+188	+158	+233	+500
Balance	+78	+62	+45	+69	+82	+158
Yearend reserves	421	483	528	597	679	827

Our AID program to Thailand started in fiscal year 1949, and by fiscal year 1952, we had expended $16.1 million in the from of grants. On a cumulative basis, we have expended, through fiscal year 1967, $386.3 million in grants and $57.2 million in loans, for a total of $443.5 million. There is not a commodity import program for Thailand such as we have for Vietnam. We were told that there was such a program at one time, in which counterpart funds were generated and still remain to our credit, but that it was curtailed some time ago.

We heard estimates ranging from 50 to 93 percent relating to the portion of the AID program that is currently devoted to counterinsurgency. We were also told that 70 percent of the program is in the insurgent areas of the northeast.

We were given an estimate of 1,500 insurgents who are believed to live in the jungles and who are believed to receive training in North Vietnam. Recruitment and maintenance of terrorists derives from their relatives in the villages. Their propaganda theme states that the present Thai Government is so corrupt that the United States is taking it over, and that the future lies with China. They tell the people: "You will get tractors and you will get washing machines *from us*."

The insurgents work in areas most remote from the Central Government, where transportation facilities are limited, where economic circumstances are bad, and where the illiteracy rate is high.

One high-priority AID program is aimed at assisting in the training of additional national police. Some 11,500 police are to be trained in an 18-month period, with a goal of 20-man police forces in clusters of villages throughout the country, to patrol the villages and assist the village forces. These full-time police will have training in counterinsurgency. They will also have radio contact with other villages and the larger cities. This communications equipment, along with arms and ammunition, transportation equipment, et cetera, is being furnished through our AID program.

The second largest program pertains to accelerated rural development under the "field operations" sections of the seven operational offices within our Thailand AID office. This program has a budget between $16 and $18 million and is concentrated in the insurgency areas in the northeastern portion of the country. We were told that our main contribution is supplying road-building equipment and competent operators who serve to train the Thai at the same time. We also furnish sufficient spare parts. The purpose is to open up this portion of the country in an attempt to reduce the predominance of agriculture. Some water development is going on at the same time. We were told that both of these programs on counterinsurgency are to be completed in 5 years. We also are assisting the Thai Government in public relations with the inhabitants of this area. The Thai Government has set up a TV station which will receive technical assistance from us, and we have turned over a 50-kilowatt military radio station to them, located in Northeastern Thailand. We will also be giving technical assistance for the commercial operation of the radio station.

There are seven operational offices with the AID mission:

1. Public safety.
2. Field operations.
3. Agriculture.
4. Education.
5. Health.
6. Institutional development.
7. Capital development.

The major programs that our AID mission carries out in Thailand and the amounts involved for fiscal year 1967 were:

1. Civil police	$17,068,000
2. Accelerated rural development	12,502,000
3. Agricultural development	1,624,000
4. Malaria eradication	2,600,000
5. Technical support	2,211,000
6. Potable water	616,000
7. Aeronautical ground services	216,000
8. ARD training	1,611,000
9. Village radio	781,000
10. Comprehensive rural health	1,150,000
11. Chiengmai medical	458,000
12. Feasibility studies	635,000
13. Mobile development units	783,000
14. All others	7,547,000
Total	49,820,000

The foregoing, including "all others" actually break down to about 30 programs. In fact, Dr. Parsons indicated there were about 35 activities in operation.

The number of persons hired by AID in Thailand, as of December 1, 1967, was:

United States (246, direct hire; 78, from other U.S. agencies)	484
Thais	626
Total	1,110

Of these, 833 persons (337 United States; 496 Thais) are in the Bangkok area. Most of the remainder are "upcountry," although there are some 35 vacancies for persons in the public safety and road construction categories.

There is no doubt that some of these programs are not absolutely necessary. For example, we have had a malaria eradication program in effect in Thailand for 15 years, at an average annual cost of $2.5 million. The Thai technicians have been amply trained and the necessary equipment has been available for some time. Yet the program goes on, although we were told that it will be phased out by 1972. Dr. Parsons was in charge of the termi-

nation of our AID program in Taiwan. He has a good reputation as a tough and able administrator.

One of the criticisms concerning our AID program to Vietnam is also relevant to Thailand. There are too many AID people located in the metropolis of Bangkok and not nearly enough personnel out in the field—in this case, northeastern Thailand—to assist in getting the program through to the people we are trying to reach.

There is no doubt that bringing the citizens of a nation together is a desirable goal. It is worthwhile to educate them and to give them new skills. Our AID program in Thailand needs to be the subject of a continuing, rigorous examination. While the insurgency problem is a real one, and counterinsurgency efforts deserve our support, Thailand is a prosperous nation.

In view of the fact that Thailand now has almost $1 billion in foreign reserves, U.S. efforts should be directed toward the insurgency. General economic development is within the capacity and capability of the Thais.

VIII. Theft of PX supplies, excessive freight charges, etc.

(a) Theft of PX Supplies

In January of 1967, the Army and Air Force Exchange Service activated the Thailand regional exchange (THAIR) for the entire country. Previously there was a piecemeal arrangement in which the Army and Air Force operated upcountry exchanges from Philippine bases, while the Navy had been operating the exchanges in the Bangkok area.

The present operation has grown so that the exchange now operates 41 retail stores, 55 food outlets, one gasoline service station, and 95 concession activities throughout the country. There are 90 U.S. executive and managerial positions authorized to carry out these functions. There are 151 hourly U.S. employees—wives and off-duty servicemen—and the exchanges employ 1,756 Thai nationals. The Thai Government does not allow the employment of third country nationals in the exchanges.

The exchanges total sales of $20.9 million for the year at the end of November 1967 and the merchandise inventory was, at that time, calculated at $10 million. Sales of $40 million are anticipated for 1968.

There are seven branches established within the Thailand exchange region and, in the fall of 1967, each branch established a safety and security section which reports directly to the base, or operating unit's commander. Since the region's inception, 23 incidents of missing exchange assets were investigated, and these investigations resulted in the dismissal of 16 employees.

The post exchange representatives who briefed us did not seem alarmed about the retail accountability variance, which is the difference between the actual and book inventory, or shrinkage. The variance for the year ending January 1967 was 2.5 percent of sales in the amount of $8 million, or $195,000. Thus far in the ensuing year through November 10, 1967, the variance is only $198,000 on sales of $20.9 million, or less than 1 percent of sales. We were advised that losses under 1 percent are considered acceptable, but one-half of 1 percent is their objective. They also submitted marine claims to their shippers in the amount of $736,000 from January through September 1967. These marine claims or maritime losses, are based upon the difference between the merchandise manifested and the merchandise that is off-loaded in the country.

While the post exchange officials should be commended for their efforts, there was one thing omitted in their presentation to us, which we learned subsequently when we had a similar PX briefing in Vietnam; that is, *the post exchange accountability does not commence until the PX merchandise is placed in the exchange depot or warehouse.*

The U.S. Military Assistance Command, Thailand (MACTHAI), provost marshal explained to us that a major problem confronting the MACTHAI Command was the larceny of U.S. Government property, particularly regional post exchange merchandise. From January 1, 1967, through November 30, 1967, the regional exchange had experienced an in-country total loss from larceny amounting to $238,923.88. *Sixty-six percent of this loss, or some $157,128.06, occurred while exchange merchandise was being transported from the port of warehouses* or, in some instances, from warehouses to exchange outlets. *With few exceptions, the exchange merchandise is transported by a contracting agency,* known as the express transportation organization (ETO). We learned elsewhere that the ETO is a Government monopoly type of operation with 51 percent of it being owned by the Thai Government and 49 percent by prominent Thai citizens.

The ETO enters into contractual arrangements with all of the American agencies—governmental and civil—so that ETO has the exclusive right to haul the merchandise from Thai ports. This right is waived only when there are no ETO vehicles available to do the job. ETO has its own drivers, and the contract with the regional exchange provides that reimbursement of losses suffered during transit will be made *at the acquisition costs of the items involved.* This means little, because PX items can generally be sold at several times their acquisition costs.

Supplies are diverted in simple ways. Generally, through collusion between Thai checkers and ETO drivers, trucks carrying PX cargo are overloaded prior to their departures from the port area. If a truck is to haul 30 cases of cigarettes, 35 cases will be loaded, but the shipping documents will record only the 30 cases. During transit, the five extra cases will be disposed of illegally. Although the loss is ultimately detected, investigation and apprehension of the persons responsible is virtually impossible.

We learned from another source that on other occasions entire trucks and their loads have disappeared. Loose or improper control of the customary transportation control movements documents (TCDM's) can lead to unauthorized access either by legitimate drivers or by unauthorized personnel who falsify the TCDM, seize control of a loaded truck, and drive it from the port area. In fact, we were told that nine such loaded vehicles have been lost since the first of the year. We were told that several gangs are operating in and around Bangkok, and that they concentrate on PX supplies. The provost marshal did say that on one occasion the cargo was obviously unloaded after the truck was driven some distance from the port and abandoned, but the driver was apprehended. However, the man has not been prosecuted to date.

Finally, some $81,795.82 in exchange merchandise has been stolen from both warehouses and exchange outlets. The main problem, according to the provost marshal, is that the contracted Thai guards have proved ineffective, if not in collusion with the thieves. They are poorly paid, poorly trained, and lack supervision. Most importantly, the Thai Government does not allow them to be armed, for fear of insurrection. The provost marshal personally believes that the best solution would be to have the areas guarded by armed U.S. military personnel. However, he said that this course is avoided because of the shortage of personnel "and because of political considerations."

(b) Excessive Freight Charges

Robert A. Hines, Jr., chief of Bangkok operations for the shipment of AID cargo and supplies to Laos, told us about the excessive transportation costs charged by the express transportation organization (ETO). He said ETO's current rates are $17 per ton for AID cargo transported from Bangkok to Vientiane, Laos, and that the rate recently was $22 per ton. By comparison, Hines, who has been in the Thailand-Laos region for 12 years working for AID, has been able to do some trucking with the Ear Peng Chaing Co. which charges $13 per ton for the same work.

Hines has been responsible for the following tonnage in shipments to Laos over the past few years:

	Metric tons
Fiscal year 1964	[1] 2,338
Fiscal year 1965	[2] 3,852
Fiscal year 1966	9,010
Fiscal year 1967	16,289
Fiscal year 1968	[3] 10,336

[1] AID items only.
[2] Noncommercial items.
[3] As of Nov. 30, 1967.

While Hines did not give us a monetary figure for any of the other years, he said that the amount for fiscal year 1967 would be about $500,000 plus another $100,000 for technical support. This contract has been going to the ETO because of their monopoly status, but Hines feels that 30 percent could be saved by utilizing independent truckers such as the Ear Peng Chaing Co.

Hines said that both companies have to pay 20 baht (approximately US$1) to Thai customs at each of five checkpoints between Bangkok and the Laotian border to avoid detention of as much as 6 hours by customs. These payments are "built in" to the freight rates so that the customer, in effect, pays for them.

Hines also said that if any cargo is lost, a "recovery fee" of 30 percent of the value must be paid to the police, or 40 percent to Customs if the cargo is found by either of the two groups. Very little is ever found.

It seems imperative to me that it should be made clear to our American Ambassador in Thailand that every effort should be made to rid our military and civil agencies of the contractual net in which they have found themselves enmeshed and these blackmailing tactics should be curtailed by exposure.

(c) Narcotics

For the Military Assistance Command, Thailand (MACTHAI), the Provost Marshal told us that the number of Military narcotics violations had jumped from a total of 24 in 1966 to an 11-month total of 172 in 1967. He said all of the violations involved the possession and/or use of marihuana and that they were primarily attributed to increased troop strength, greater enforcement capability, and/or intensified traffic from sources within Thailand. Most of the offenders were between 18 to 23 years of age who were trying the marihuana "for kicks." As a deterrent, the military is placing command emphasis upon explaining to military personnel the dangers inherent in the use of marihuana. Additionally, MACTHAI has formed a team composed of military police and Medical Corps officers who will visit all Army units to counsel all personnel about the dangers of marihuana and other drugs. If this has not already been done, I believe that the same team should indoctrinate all military personnel serving in Thailand.

IX. Military construction

The U.S. Navy's Civil Engineering Corps is also in charge of military construction throughout Thailand. The program commenced in fiscal year 1965 and, at the end of November 1967, had funded approximately $425 million for the overall in-country construction program. The amount of work in place, on the same date, was approximately $330 million and the total amount obligated for the entire program is approximately $435 million. Construction is to phase out in fiscal year 1969. In that regard, the officer in charge of construction gave us a briefing figure of

"zero" as the construction costs for fiscal year 1969. He subsequently admitted that such an estimate was actually an unrealistic projection. The adequacy of military construction funding estimates for Thailand deserves close attention by the appropriate Senate committees.

The work has involved the construction of airbases and military cantonments at several locations, including Sattahip, Korat, Ubon, Udorn, and Vientiane in Laos. The Navy has had 11 contracts to administer. One of them is a State Department-U.S. overseas mission contract. Nine of the contracts are fixed fee types, with most of the work being done by local contractors. In fact, several other countries (West Germany, Italy, Japan) are represented among the contractors but they are required to associate with Thai citizens to obtain a license to operate in Thailand. There were 10,249 personnel working on all 11 contracts in July 1966 and the employment peak was reached in the spring of 1967 when 17,761 workers were employed on all contracts.

The two cost-plus-award-fee contracts administered by the Navy involved two American joint ventures: Utah-Martin-Day, a west coast combine, and Dillingham-Zachry-Kaiser, a Hawaiian combine. The former handled the construction work at the large Korat Airbase, located 150 miles north of Bangkok. In November 1967, $42 million had been obligated to the contract, $34 million had been committed, and the accrued cost had reached $23 million. Each contract has a fixed fee of 2 percent above costs, with a maximum award of 0.09 percent if the criteria established by the Navy have been met. Both combines had been receiving the 2.9 percent fee, at regular intervals, as various portions of the contracts are completed.

The Dillingham-Zachry-Kaiser combine has done the construction work at the Navy port at Sattahip and at the nearby B–52 bomber base at U-Tapao. The amount of money that was obligated, as of November 30, 1967, was $118 million. The amount committed was $81 million and the accrued cost was $74 million.

Our information indicates that construction work in Thailand is going very well. Figures supplied by the Navy indicate that losses sustained are low and that little unaccounted property has come through the supply *pipeline* from the United States since the inception of the contracts.

We were particularly impressed by the control that was exercised in procurement, warehousing, and inventorying, and distribution of materials, supplies, and equipment. I think that some credit should be given to the subcommittee in this regard. Last year, Messrs. Adlerman and Morgan looked at this Thailand operation, primarily to compare a relatively peaceful construction environment with the wartime atmosphere prevailing in Vietnam. They went to Korat and Sattahip. They had visited the procurement offices in San Bruno, Calif., en route to Vietnam so that ample notice had been given on their arrival in Thailand.

Although they had been told by both companies that there were adequate systems to determine procurement needs, inventories, use, and other factors, they found in one instance that the man in charge had been on station less than a week and was just in the process of setting up a control system. In the other combine a man had just been fired and his replacement had arrived only that day.

I think it can be said that the visit of our two staff members reduced the temptation, under cost reimbursable arrangements, to engage in loose practices such as we found in the RMK/BRJ operation in Vietnam.

C. ISRAEL

X. Israel's program of international cooperation

Because of the subcommittee's concern with the overall effectiveness of U.S. AID programs—and because Israel's foreign assistance efforts had been characterized as quite effective, we visited Israel.

Based on our conversations with Israeli officials, it seems fair to summarize Israel's philosophy with respect to cooperation agreements with other countries "To serve, to train, to leave." They try to start a program, train the recipient country's personnel, and complete their portion of the program, *all within a 5-year span*. Israel does not assist another country unless requested, although it was admitted that the Israeli Ambassador to a particular country sometimes "suggests" Israel's assistance to that country. The recipient nation always pays something of value for its assistance, whether it be actual money or payment in kind.

Israel does not give away buildings and equipment because it cannot afford to. The Israelis do not attempt to compete with the large industrial countries and, in fact, they do not want to. Instead, they concentrate on rendering assistance, both technical and nontechnical, to cooperating countries. Israel concentrates its attention on the developing countries, with 50 percent of the entire program being devoted to Africa.

The activities that Israel engages in overseas through its international cooperation program include the following:

(a) Modernization of Agriculture

In agriculture, Israel operates in well-defined, specialized fields such as poultry husbandry, cattle breeding, and improved seed production. But in its general agricultural programs in other countries, Israel attempts to work within the framework of the existing economic, social, and educational complex of the particular nation to assist in its overall improvement. In Latin America and Africa, in particular, Israel has introduced various agricultural methods which become a part of regional planning and rural settlement projects.

(b) Regional Planning and Rural Settlements

Israel's experts have used their own Lachish development region model as a basis upon which to set up similar plans and settlements in South America, in Eastern Mediterranean countries, and in Asia. The Lachish model involved some 200,000 acres of virgin land in central Israel. The pyramidal structure of the plan had individual farm holdings as the base, rural centers offering intermediate logistical, medical, and religious support in the middle, and regional or "county" towns at the top. The latter provided processing facilities, governmental and financial centers, secondary schools, and entertainment facilities. The whole pyramid operated on a cooperative basis, with the farmer being trained to the requisite skill and with supervised credit being provided to him. Each farm, consisting of 10 acres on the plain or 50 acres in the hills, offered the farmer a living equivalent to that of a skilled urban worker. The Lachish model had 100 farm families comprising each farm village, one rural center serving some 5 to 6 villages, and one "county" town of 18,000 persons, serving the entire model area.

(c) Pioneer Youth Movements

These have been organized in seven African and three Latin-American countries by Israeli experts. They are patterned after the Israeli Nahal movement of 1950 when Israel's young military men combined their military duties with pioneer and agricultural work, much needed at that time. In Africa, however, the concentration is on vocational training for young people so that they may do useful jobs in rural development.

One example is the Ivory Coast's "service civique" pioneer youth movement. In 1961, Israel sent a 16-man team there to open a 4-month training school for instructors/technicians. Courses included civics, general education, carpentry, surveying mechanics and varied agricultural subjects. Thereafter, the instructors/technicians went out to five agricultural villages, each settled by 150 to 200 volunteer pioneer farmers, to spend 2 years working on the improvement of agricultural methods. The pioneer farmers, after their first harvest, returned to their homes and were replaced by others in similar circumstances. This dispersal system brought immediate increased yields and improved agricultural techniques to a wide geographical area. At the same time, 300 16- to 18-year-old native girls were trained for 1 year at the same school in civics, domestic science, and the teaching of literacy. Forty of them became rural community workers. The remainder returned to their villages to demonstrate what they had learned.

(d) Irrigation and Water Resources Development

Israel's hydraulic engineers have shown remarkable skill in solving the Nation's water shortage in order to create arable land from desert. They also have succeeded in converting sea water for fresh water use. Israel's two principal national water supply companies, Tahal and Mekorot, have formed subsidiary companies to answer the many requests of developing countries for water development assistance.

In Africa, Tahal is installing an eight-region rural water supply system in western Nigeria, including all operations from the construction of the dams to the distribution of water in the villages. A similar smaller undertaking is going on in eastern Nigeria. In Ghana, 10 Tahal engineers are setting up a master plan in the Accra-Tama metropolitan area for a water supply system, to be built in stages as finances become available. Tahal and Mekorot are working with Israeli geologists in northern Latin America to find water. Their surveys have brought positive results in Colombia, Ecuador, Peru, Bolivia, and Brazil.

(e) Health

Israeli doctors and other medical personnel, individually and in teams, are serving in 10 African countries today. This started in 1960 when the World Health Organizations put out an urgent request for doctors to go to the new Republic of the Congo when the colonial-system doctors departed.

Israel's ophthalmologists, highly experienced because of the incidence of eye disorders among immigrants from the Middle East, answered a plea from Liberia in 1959 to survey that country's eye needs. A young Israeli doctor went to Monrovia and set up a 30-bed hospital within 6 months. At the same time two Liberian registered nurses came to Israel to receive intensive eye training at Israel's well-known Hebrew University, Hadassah Hospital in Jerusalem. Their training was completed within the same 6 months. A second Israeli eye doctor returned to Liberia with them and the wife of one doctor, herself an optician, set up a workshop to grind prescription glasses and furnish them at cost. This team performed more than 1,000 operations and treated 12,000 patients and gave eye treatments elsewhere in Liberia. In the meantime, a Liberian doctor took a postgraduate course in Jerusalem while his wife studied orthoptics. They have since returned to Liberia and have relieved the doctor-wife team.

Similarly, one Israeli tuberculosis specialist went to the Republic of the Congo, trained four six-man teams of medical orderlies to assist him, and set up an outpatient clinic with the assistance of the World Health Organization. He treated as many victims of tuberculosis as possible through the use of the outpatient clinic, a system widely used in Israel.

(f) Education

In addition to assisting in providing fundamental educations to persons in many developing countries, Israel has released from its own growing programs more than 40 professors, lecturers, and teachers for assign-

ment abroad, particularly to help train teachers.

Since 1960, Israel has sent 24 persons to teach at the Haile Selassie University in Addis Ababa, Ethiopia, teaching the natural sciences and engineering. In Kenya, a joint school of social work was established in 1962 to give a 2-year theoretical and practical course to social and community field workers. At the same time, two Kenyan students have been sent to a special school in social work in Jerusalem in order to speed the gradual takeover of the school by the Kenyan staff. About 15 additional Israeli vocational training teachers of mechanics, electronics, physics, and mathematics are serving in schools in several African countries under the auspices of the Organization for Rehabilitation and Training (ORT).

(g) Miscellaneous

These activities vary from the operation of a cooperative transportation service in Peru to the operation of postal and telegraph services in Ethiopia, and from giving advice on taxation in Ghana and the operation of the police force in Malagasy to the harnessing of solar energy for the pumping of water for agricultural purposes in Mali.

Additionally, Solel Boneh, the Israeli construction company owned by the General Federation of Labor, has applied its experience in roadbuilding with limited finances to several African countries. Generally it forms a joint company with the African government concerned on a 40–60 percent basis, with control gradually passing over completely to the host government. Solel Boneh has completed important construction, on this basis, in western and eastern Nigeria, Sierra Leone, Ghana, and Nepal. Solel Boneh frequently organizes technical training courses for local personnel during these projects.

National lotteries are used in the developing countries as a form of "voluntary revenue system," particularly when the compulsory taxing system is ineffective. Once a preliminary survey determines the feasibility of a lottery system, Israel sends an expert to the country to act as an adviser, particularly as to about the machinery and the local legislation which may be needed. The adviser assists in the early organization, particularly to see that the system is operated honestly. Once it is operating efficiently, the lottery is turned over to local control. This program has been highly successful both in raising needed revenue and providing some recreational outlets.

The foregoing programs and activities are mainly carried out by Israelis in overseas countries. In addition, many countries send their citizens to Israel to receive special training. This is primarily because of the fact that Israel has had a great deal of experience in developing its own country, several languages are spoken in these special training programs, and the needed facilities are available in Israel.

Mr. Eytan Ron, Director of Israel's International Cooperative Division, Office of the Foreign Ministry, told us that 1,000 African women have gone through a special school at Haifa to improve their roles in a progressive community back home. Burma sent 100 military veterans to Israel with their families for 1 year to study agricultural methods.

Mr. Ron said the emphasis is in trying to reach midlevel personnel through these training programs. The theory is that any national plans developed by highly qualified academics would stand little chance of implementation unless the midlevel technicians instructors, and supervisors were trained. Israel's concentration is in four fields: agriculture, cooperation and labor, community development, and youth leadership.

Ron said that Israel offers only two formal degrees in its international development program. These are in agricultural engineering (bachelor of science) and in medicine (doctor of medicine). Otherwise, the language difficulty precludes large-scale participation by foreigners in Israel's regular institutions of higher learning.

It is important to note that Israel has international cooperation programs going in 84 different countries on an annual budget of only $7 million, including grants from the United Nations. Furthermore, Mr. Ron has only 36 employees within his organization. In fact, he told us there were 72 employees when he took over a year and one-half ago and he proceeded to cut the number. There are another 80 persons in the various schools in Israel and between 600 to 800 persons contracted for abroad by the international cooperative division, preferably on a 2-year basis. These persons hired by contract are tied into the foreign ministry system according to grades, but such foreign service salaries are very low. This creates a problem since many of the technicians are highly skilled and normally receive good pay.

A tabulation of personnel in the ICD program for Israel follows:

Located in the ICD, Jerusalem headquarters	36
Located in the various schools in Israel	80 to 100
Contract hire in the various 84 countries where Israel has an international cooperative agreement	600 to 800
Variable total	716 to 936

In constrasting Israel's ICD program with the U.S. AID program, Ron thought that the difference could best be described by what a Burmese official told him. The Burmese said, "Israel does what Burma wants but the United States does what the United States wants."

XI. Conclusion

This detailed report, together with our subcommittee's hearings in this field, gives so many indications of the failure of supervisory and administrative functions by both military and civil officials of American agencies engaged in operations in Southeast Asia that I believe the subcommittee has the duty and responsibility of continuing its investigation in this field with the maximum effort possible, in spite of the exigencies of other work in which we are presently engaged. It is obvious that a thorough investigation in depth would swiftly bring about corrective measures which would save many millions of dollars in Federal funds which are now being squandered because of inefficiency, dishonesty, corruption, and foolishness.

I strongly recommend that the subcommittee undertake expanded inquiries in this field as soon as possible and that our efforts encompass the entire AID program wherever it operates around the globe. The savings and recoveries of funds which would result from a series of inquiries such as I suggest would probably be enormous, and additionally, the tangible results of our worldwide program of assistance to other nations would certainly be greatly enhanced.

THE 18-YEAR-OLD VOTE

Mr. YARBOROUGH. Mr. President, this morning I had the opportunity to testify before the Constitutional Amendments Subcommittee of the Committee on the Judiciary in favor of the proposal to lower the voting age to 18. I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

I am pleased to have this opportunity to testify in support of S.J. Res. 8, a proposal I have co-sponsored with the distinguished Majority and Minority Leaders of the Senate. I have advocated lowering the voting age to 18 since my first campaign for Governor of Texas in 1952, and I have continued to support such a law.

It seems especially fitting to me that we are giving consideration to this proposal in a presidential election year, at a time when we can witness the active participation of thousands of our young people in the political campaigns of the various candidates despite the fact that many of them cannot even vote for the man of their choice. It is time for us to put an end to this anomaly. The current voting age of 21 has its origins in the English common law, which designated 21 as the minimum age for knighthood. This has no relevance whatsoever to the 20th century American youth who is better educated, more widely traveled, and more knowledgeable about public affairs than any of his predecessors.

Ever since the abolition of property qualifications as a prerequisite to voting, the electorate of the United States has continually been expanded to embrace more and more citizen adults, so that every American could have a real voice in the governing of his country. It has not been an easy task, for there have always been those who feared the effects of an enlargement of the electorate. We saw this with the burgeoning immigrant population of the early part of the 20th century, we saw it in the suffragette movement, we saw it in the struggle over passage of the Voting Rights Act just three short years ago. But these fears have not been justified. The infusion of new segments of the population into the electorate has brought with it new ideas and new energies, and in the final analysis the nation, and all of its citizens, have been the richer for it.

The campaign to lower the voting age to 18 began in earnest in 1942, and it has traditionally met with the most support during times of war when scores of young Americans were defending their homeland overseas. The cry, "If we're old enough to fight we're old enough to vote," has a good deal of emotional appeal, and there are many other, and equally sound, reasons why the voting age should be lowered to 18.

In my campaign for the Governorship of Texas in the 1950's, I advocated the enfranchisement of 18-year-olds and over in Texas. For most intents and purposes, the 18-year-old is assumed to be an adult. In most states he may marry without parental consent. He can serve in the Peace Corps or work for the Federal Government, and he is obliged to pay taxes on his earnings. The age of compulsory education does not exceed 18 in any state. The District of Columbia and almost every state requires persons 18 and over to stand trial in criminal court; they are no longer considered juveniles. Life insurance companies recognize anyone 18 years of age or older as an adult. The child labor provisions of the Fair Labor Standards Act do not apply to anyone who is 18 or older.

Many other such examples may be cited. Logically and legally, the age of responsibility in today's society is 18. This in itself is compelling argument for a change in the constitutional voting age.

But perhaps even more significant is the fact that our political system can benefit from the ideals and the hopes of our young people. It is they who have been in the forefront of many of the social movements of our times—from civil rights to action on behalf of the nation's poor. They are not content with the way things are; they are not complacent about the conditions of our society; and they will not accept yesterday's answers to tomorrow's problems. This is the kind of energy that gave life to the nation in the 1770's and this is the kind of spirit that can propel our country forward in the latter part of the 20th century.

As a matter of fact, the average age of Americans is swinging back toward the lower 20's, making it as "young" in its make-up as it was during the American Revolution. By 1970 half of the population will be under

27 and about seven percent will be between 18 and 21.

Increasingly the lives of our young people are being affected by Government programs—from the Selective Service System, to Federal educational assistance, to job-retraining—and it is time we granted them some voice in determining the shape these programs should take. Today's young adult has learned about American history and civics in high school, and a 1963 study indicated that 78 percent of our young people read the newspaper every day. Television has brought the events of the day into his living room, and has given him a better understanding of, and a deeper sense of involvement in, public affairs and governmental decisions than ever before possible. The late and beloved Speaker of the House, Sam Rayburn, once said: "It makes me tired to hear all this talk about the young generation going to hell in a hack. . . . They're a lot smarter than I was at their age." And this is becoming truer every year: Our young today are better educated than their forebears were.

Some persons may object to what amounts to "Federal action" to reduce the voting age, through an amendment to the Constitution. Although four states have succeeded in lowering their voting ages, efforts in other states have been doomed to failure. We came close in my own state of Texas in 1963, but fell just eight votes short in the House. Past attempts to enlarge the electorate indicate that the only effective route is by means of a constitutional amendment.

Public opinion, too, supports a change in the voting age. A Gallup Poll survey taken in April 1967 showed that a larger percentage of the population favored lowering the voting age than ever before. A similar poll conducted in January 1943 indicated that 39 per cent supported such a change; last year the proportion had risen to 64 per cent.

I co-sponsored S.J. Res. 8 because I feel that there is overwhelming justification for lowering the voting age to 18. Our young people are educated, they are politically aware, they are articulate, and they are enthusiastic. It has been said that "the real value of education comes not from its acquisition but from its association with responsibility." We have helped these young people to acquire the best education we can give them; let us now give them a chance to put that education to work by giving them the responsibility of helping to choose the officials who will govern them. There is no reason why they should have to wait for three or four years after they have graduated from high school to exercise the privilege of voting. They understand the workings of their government. Let us also give them the opportunity to have an effective voice in how it is to be run.

Mr. Chairman, I am hopeful that your committee will take favorable action of S.J. Res. 8, which I feel can have only a beneficial effect on the government of this nation.

UNIFORM POLL-CLOSING BILL NEEDED

Mr. JAVITS. Mr. President, as we near the height of the presidential election year, and as the excitement and tension mounts, there is increased concern over the use of electronic projections of voting trends on election night.

My principal concern in this matter is that projections of voting trends in the eastern half of the country, immediately broadcast by the major networks, could have an impact on voters on the west coast. This could be particularly critical in close elections, as the one this year is supposed to be. I realize full well that there is not conclusive evidence that eastern voting affects western voters, but as I asked when I reintroduced the uniform poll-closing bill last July: Who would want to take the chance, in these times of domestic tension, of creating even the suspicion that our national leadership was established on such a basis.

There is also another way at looking at the problem of electronic voter projections. I feel that James A. Wechsler, editor of the New York Post, captured the spirit of this criticism magnificently in a recent column published in his newspaper. In the final analysis, more citizens may come to see the benefits of proposals such as my uniform poll-closing bill by reading Mr. Wechsler's arguments than by any others.

I ask unanimous consent that Mr. Wechsler's column published in the New York Post of May 15, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOST THRILLS

(By James A. Wechsler)

Once again a voice must be raised in fiery if futile protest against the feverish computer "projections" that spoil the excitement of election nights.

Admittedly the pollsters began the process of undermining the ancient American game of trial by ballot. But their margins of possible error, even if sharply reduced since the year of the Truman-Dewey debacle, are still sufficiently large to sustain the suspense. Moreover there is mounting evidence that voting shifts can and do occur in the final days and even hours before the polls open.

The computers are a different matter. They, too, can claim no total infallibility (and occasionally they commit errors that render them almost human). But by and large they are repulsively accurate, and only in those instances where a contest is an enigmatic dead heat is there any excuse for prolonged animation as the votes are being tabulated.

In a happier, less mechanized age one could look forward to a long evening of expectant listening as the returns came in. One did not resent a few clues—such as the locale and composition of the early voting; they never assumed the decisive, authoritative tones of the computer confidently announcing—possibly 30 minutes after the polls had closed—that "on the basis of 3.2 per cent of the votes cast, the Omniscient Broadcasting System declares John Doe as winner over Richard Roe by a margin of nearly three to one in the crucial battle for County Coroner in Peoria."

At that very moment the board may show that Roe and Doe are running almost even, but the computer, having examined the reports from selected representative territories, dogmatically announces that it's all over. The losers are deprived of any agitated interludes of wild hope; the night is over almost before it began; the thrilling finish belongs to the past.

Among many athletic addictions, I have somehow remained immune to horse racing; one reason, I suspect, is that the events are so brief. Thousands of Americans journey each year to Churchill Downs to watch the Kentucky Derby; their preparations are long and extensive, usually including the excessive consumption of mint juleps or some variation thereof. In the latest renewal of that ceremony; the historic event was decided in exactly two minutes plus two and one-fifth seconds. Was the trip worthwhile?

This year, of course, the race had an implausibly astonishing sequel; the "winning" horse was subsequently disqualified because of the illegal ministration of a drug several days earlier. But by the time that news came, those who had witnessed the event were already back home, many nursing their hangovers and their betting losses. Perhaps in the future the Derby will at least invite the crowd to stay on until the medical tests have been completed. Nevertheless there still remains a certain absurdity in traveling long hours to witness slightly more than two minutes of live drama.

Unhappily that is what has happened to our political games. Weeks and even months of emotion are invested in a candidacy; the computer ruthlessly denies us the long, luxurious counting-time during which dreams and delusions were once permitted to flourish.

Where will it all end?

Grimly one anticipates an era when even football and baseball games will be subjected to similar projection. I can hear it now:

"Ladies and gentlemen, there's a time-out here at Baker Field with exactly six minutes gone in the first quarter of the annual Columbia-Princeton game. It's still a scoreless ball game, and the Lions have shown unexpected strength so far; they have registered three first downs to none for the Princeton Tigers.

"However, I've just been handed a projection—remember, this is a projection, not a prediction—based on an evaluation of the comparative amount of sweat and the number of bruises so far recorded, among the many other factors fed into our computer. And the Omniscient Broadcasting System now declares Princeton the winner by an anticipated score of 27–6."

Or from Shea Stadium:

"This is Lindsy Nelson. Here at the home of the Mets it's the top of the fifth inning, and the Mets are leading the world champion St. Louis Cardinals 4–3. It's a real fun night; here with lots of banners—and lots of Rheingold.

"However, our man at the computer has just handed me this projection based, as you know, on many factors not obvious on the ball field or on your TV camera, such as the condition of the blister on Nolan Ryan's right hand, Ron Swoboda's knee, a predicted temperature change of five degrees within the next 20 minutes and many other factors too numerous to mention. It all adds up to this: The Omniscient Broadcasting System now declares the Cardinals the winner by an expected score of 8 to 5.

"Now let's get back to what's left of this exciting ball game."

SMALL BUSINESS COMMITTEE HEARINGS DEMONSTRATE INADEQUACY OF PRESENT EXPORT PROGRAMS

Mr. SMATHERS. Mr. President, on May 3 and 6 the Select Committee on Small Business, under my chairmanship, completed a round of hearings on export expansion for regional industries, small business, and the balance of payments.

This inquiry was conducted in the form of field hearings so that businessmen in our gateway cities could conveniently give us their views on these vital matters. The initial sessions were held in Portland, Oreg., on May 19 and 20, 1967; followed by Mobile, Ala., on November 10, 1967; Milwaukee, Wis., on the St. Lawrence Seaway on December 1 and 2; and Miami, Fla., for the South Atlantic region on March 15 and 18 of this year. The eighth and ninth days took place in the ports of Newark and New York for the North Atlantic States.

Unfortunately, since our inquiry was announced on February 1, 1967, the trade surplus which was once the balance-of-payments anchor of this country has been in continuous decline. From a peak

of $7 billion in 1964, it fell to $5.3 billion in 1965 and $3.8 billion in 1966. For 1967, the published figure for the merchandise exports surplus was $4.1 billion, but $3.5 billion of this was Government-assisted, leaving a balance on the commercial account of less than $1 billion. In January and February of 1968, this figure declined further, and in March, as we are all aware, the trade surplus disappeared completely.

The Economist magazine of May 4 stated:

> The trade figures for March were shocking: for the first time in over five years imports exceeded exports by $158 million and suddenly the general public is aware, as the experts have been for a long time, that the one steadily plus factor in America's deficit-ridden balance of international payments can be relied on no longer.

These developments have conferred a particular urgency upon the committee's work. The crisis has been reflected in the testimony of our witnesses, particularly those at the New York-New Jersey hearings, among whom were found the most distinguished members of the Nation's trade community.

Mr. President, when we began this investigation 2 years ago, the committee had serious reservations about whether the trade expansion programs for American small businesses and regional industries were responsive to the competitive conditions of the world marketplace. In accordance with its announced intention, and in view of the seriousness of the balance-of-payments situation, the committee has forwarded its major interim recommendations to the administration in advance of a report. To further implement this policy, the committee will now prepare a formal interim report so that its findings can be placed before the administration and the public at the earliest possible moment.

However, one conclusion can be stated now. It has become painfully evident, as the export figures to which the committee has repeatedly drawn attention demonstrate, that the trade policies of the quiet past are not adequate to the stormy present. The dramatic developments which we have seen do not speak well for our current programs, nor do they suggest that the solution is merely more of the same.

As our field hearings conclude, I should like to make special mention of the work of the Senator from New Jersey [Mr. WILLIAMS]. The subject matter with which the committee has been required to deal has been wide ranging and complex—from agriculture and banking through shipbuilding and taxes. In order to accommodate the many interested witnesses in our regional seaport areas, the sessions have been not only concentrated, but lengthy. In most areas, the hearings lasted until well after 6 o'clock in the evening.

The Senator from New Jersey not only was chairman of both of the North Atlantic meetings, but also of similar sessions on the gulf coast and in the South Atlantic region. He has served with unflagging attention and unfailing good humor. He has, in fact, been the mainstay of our committee's effort to gather information across the country, which will be the basis of our deliberations in a field which is of critical importance at this time. I believe that the Members of this body, and the public as well, should recognize the diligence which the Senator from New Jersey has displayed throughout the course of this investigation, and the leadership he has exercised, not only in behalf of his State and region, but in behalf of the Nation as a whole.

I ask unanimous consent to have printed in the RECORD the articles from the Economist and the Journal of Commerce, reporting the highlights of the May 3–6 New Jersey-New York testimony.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Economist, May 4, 1968]

YET ANOTHER DEFICIT

The trade figures for March were shocking: for the first time in over five years imports exceeded exports by $158 million and suddenly the general public is aware, as the experts have been for a long time, that the one steadily plus factor in America's deficit-ridden balance of international payments can be relied on no longer. For the first three months of this year the surplus on the trading account was only $731 million at an annual rate, compared with $3.5 billion for 1967; imports were up by 17 per cent over the first quarter of 1967 and exports by only 3 per cent.

April may show whether this disturbing trend is likely to continue through the year. Part of the deterioration is due to definitely temporary factors: a dock strike that held up exports more than imports; a long strike in the copper mines that forced manufacturers to import their supplies; a possible steel strike later this year against which users are buying reserve stocks from abroad. But more steel could be bought at home—only it is more expensive. Rising prices in the United States—they are now going up at an annual rate of nearly 4 per cent—are stimulating imports (and frustrating exports). But imports of motor cars have been climbing this year not only because they are cheap but even more because the small foreign cars are preferred to the domestic models by American buyers.

If Congress increases taxes—and it looks as if the log-jam over this is breaking up at last—then consumer demand would be curtailed and inflation checked, and imports would presumably level off eventually. Meanwhile, however, urgent measures may become necessary in order to safeguard the dollar abroad; the trading account is the most striking, but not the only, sector in the balance of payments which is failing to achieve the goals for improvement set by President Johnson on January 1st. He suggested then that some form of surcharge or broader tax on imports might have to be imposed; but this has been delayed while the members of the European Economic Community and America's other trading partners discuss what they can do to help.

They have now come up with a proposal for accelerating their own tariff reductions agreed under last year's Kennedy round of negotiations and for allowing the United States to postpone its reciprocal reductions. This would be welcome if it were not accompanied by conditions which can hardly be accepted by the United States as they stand—efforts are being made to modify them—because in effect they forbid Congress (or the Administration) to put up any additional trade barriers and direct it to repeal at once the American selling price system of assessing duties on chemicals. The Administration is just as anxious as is the EEC that Congress should behave in these ways. But attempted dictation from abroad may drive the legislators to do just the opposite.

[From the Journal of Commerce, May 6, 1968]

NEED FOR ACTION STRESSED—SHIPPING SEEN IN SOS POSITION

America's cargo carriers are in a better position than anyone else to develop export markets overseas, especially for the small shipper, but the job can be done only if Congress acts to fend off the perils of an obsolescent merchant marine and chokingly inefficient documentary requirements, the U.S. Senate Committee on Small Business is being told in current hearings in the Port of New York.

Sen. Harrison A. Williams of New Jersey conducted a session at Port Newark on Friday, and of Moore-McCormack Lines and the hearing is to be resumed today at the Port of New York Authority Headquarters in Manhattan.

NOTE OF WARNING

Shipping management and labor spokesmen alike warned on Friday that the American-flag merchant marine, despite the excellence of its subsidized liner fleets, is falling dangerously far behind in the number of ships available.

William T. Moore, president of Moore-McCormack Lines and of the Committee of American Steamship Lines, said that although this country's cargoliners are "the best in the world," the American-flag bulk carrier tramp and tanker fleets are in "an SOS situation."

Of the country's present merchant fleet of 969 ships, only 357 will be less than 25 years old by 1972 at the present "limited" rate of replacement—about 10 ships per year for the subsidized lines—he said. He called for adoption of the program pending in Congress, which would provide 35 to 40 new ships a year for five years.

When a national emergency like Vietnam draws off many cargo ships from commercial use, and the country's trade is left to foreign-flag ships, ocean freight rates for American exports immediately go up, Mr. Moore declared.

Thomas W. Gleason, president of the International Longshoremen's Association and the AFL–CIO Maritime Committee's seven-union Port Coordinating Councils, described the federal administration's program of 10 ships a year as "ridiculous."

SOVIET PROGRAM

Soviet Russia is building at least 125 good, fast commercial ships a year, he said—a comparison which drew from Sen. Williams the remark, "I am appalled by that figure."

On behalf of the maritime labor groups he heads, Mr. Gleason called for "high priority" for construction of 25 to 30 tramp vessels a year. In 1966, the mostly antiquated U.S. tramp fleet carried less than 5 per cent of the country's bulk trade, he pointed out.

Similarly "dismal" is the liquid bulk picture, with only 33 American-flag tankers employed in 1966 to carry 8.1 million tons, or only 5.5 per cent of the country's total imports and exports by tanker, Mr. Gleason added. Basically, this cargo is handled by the so-called "flags of convenience," he said. He also called for expansion of the passenger fleet, "with complete flexibility to operate wherever market conditions warrant."

While it is anticipated that U.S. waterborne commerce will increase from 404 million to 685 million tons by 1985, the American-flag vessels share will slip to less than 5 per cent of its total unless "a more realistic government policy" is adopted, he warned.

This decline would mean a shrinkage of about 200 ships in the merchant fleet and a loss of at least 12,000 jobs for seamen, he said.

Joseph G. Barkan, executive vice president of Prudential Lines, also warned that the merchant fleet is approaching a critical stage of obsolescence.

The need for new ships is especially great, he said, because of the tremendous gains in efficiency which can be achieved with new methods and new concepts, such as the lighter-aboard-ship (LASH) vessels that Prudential and Pacific Far East Lines are building.

Peter McChesney, manager of trade development for Farrell Lines, said steamship lines can give the most effective help to the potential small shipper because they have their representatives "on the spot overseas" who can assess immediately the sales possibility of a product.

But what is needed most today, he continued, is a joint trade development effort by all modes of transportation—sea, barge, truck, rail and air.

"Road and railcarriers, for example, can reach far into the grass roots of our economy," he said. "If they, in their normal solicitation for business, could offer a trade development program utilizing the services and know-how of the foreign-going carriers, they could generate new business for all."

Aaron Cohen of the Traffic Executive Assn., Eastern Railroads, said the great need is for legislation to permit different modes of land and sea transporation to work on unified through rates, from inland points in the U.S. to inland points overseas, without fear of anti-trust violations.

Donald Weirda, vice president of United States Lines, emphasized that the steamship lines have valuable help to offer small businessmen about foreign markets, but the great problem is to make the business community more aware of the assistance.

Matthias E. Lukens, deputy executive director of the Port of New York Authority, described the extensive services to exporters which the bi-state agency provides through trade development offices in this country and abroad. The world trade center now under construction will be of special benefit to small business by bringing together conveniently all the services that the potential shipper needs, he said.

[From the Journal of Commerce, May 7, 1968]

AT SENATE PANEL HEARINGS: DRIVE TO SPUR EXPORTS URGED

(By Alan F. Schoedel)

A government effort "with muscle behind it" to stimulate exports was urged by several witnesses yesterday as the two days of hearings by the U.S. Senate Select Committee on Small Business came to a close.

Tax incentives to encourage business firms to seek export markets and stepped-up government help in providing them with overseas economic data were advocated at yesterday's session at the Port of New York Authority Headquarters, 111 Eighth Ave. Sen. Harrison A. Williams of New Jersey and, for part of the day, Sen. Jacob Javits of New York conducted the hearing.

America's foreign trade is "at the crossroads," said Kenneth M. Spang, vice president of First National City Bank, who is chairman of the New York Regional Export Expansion Council and a member of the National Export Expansion Council.

If at this point American industry does not achieve the ability to compete in foreign markets, the time will inevitably come when it will be unable to compete with imports for the domestic market, Mr. Spang warned.

He emphasized the need for combatting inflation as the first means of improving the outlook for U.S. exports. An inflated economy discourages exports and encourages imports, he pointed out. Unless the present situation is changed, he said, the United States faces "the stark prospect" of trade deficits continuing for years to come.

TRADE SURPLUS PREDICTED

For the first quarter of 1968, American exports increased by about $1 billion, or 3 per cent, while imports rose $4.5 billion, or 17 per cent, Mr. Spang said. He predicted a trade surplus for the year of between $800 million and $1.7 billion—including government-financed exports.

But the commerical trade balance alone, leaving out the government-financed exports, probably will show a deficit this year of $1.5 billion to $2.5 billon, compared with a small commercial surplus of $250 million last year, the bank executive said. He described the situation as "the American challenge."

As one means of launching a strong effort to reverse the downslide, he advocated creation of a White House position of coordinator of international economic and business affairs.

Senator Javits endorsed this idea and said he would fight to have it adopted by Congress.

A. Elliott Lawes of the American Express Co., chairman of the Export Promotion Committee of the Regional Export Expansion Council, described the trade situation as "critical." Artificial attempts to achieve a balance by restricting imports would only invite reciprocal action for foreign countries, he said.

Mr. Lawes advocated government-financed surveys of overseas market opportunities, saying it would be "unrealistic" to expect American small business firms to undertake such expensive groundwork at their own expense. He also spoke in favor of tax incentives for the exporter, such as exemption from the proposed surtax.

Both Mr. Spang and Mr. Lawes supported President Johnson's proposal for a $200 million, five-year program to boost export sales and expressed regret that a nationwide poll of business by the U.S. Chamber of Commerce recently showed opposition to this government expenditure.

Mr. Lawes advocated joint export associations as another means of stimulating sales abroad, but said businessmen first would need assurance from the Department of Justice that such activities would not be held counter to antitrust laws.

G. Doane McCarthy, Jr., president of the American Institute of Marine Underwriters, said that "too many exporters, new and old, sell on terms of sale that leave the initiative to the buyer to decide on insurance and the means of carriage by ocean or air."

"This is not aggressive marketing," said Mr. McCarthy. "This is not trading. This is not the hard sell. This does not make the maximum contribution to the plus side of the balance of payments.

"The exporter who does not control his insurance does not fully protect his seller's interest in the goods until they reach the consignee. He exposes himself unnecessarily to commercial perils by not using his own insurance."

He urged the committee to encourage American exporters to rely on an American "team of service industries—the American marine insurance underwriter, the American-flag ocean or air carrier and the American banker."

Donald T. Cameron, president of the New York Foreign Freight Forwarders and Brokers Association, urged adoption of the pending bill which would allow the ocean freight forwarder to issue a single-factor through bill of lading from inland consolidation points. This is essential if the forwarder's expert knowledge is to be made available to small shippers in the container age, he declared.

There is no one who can render the same service to shippers as the forwarder now does, Mr. Cameron said, and if the single-factor legislation does not pass "the accumulated knowledge of the forwarding industry will dry up and eventually disappear, much to the detriment of the shipping public."

[From the Journal of Commerce, May 8, 1968]

GOVERNMENT CARGO ALLOCATION HIT AGAIN

(By Alan F. Schoedel)

Another blast at the government's allocation of cargoes to the subsidized lines, on the grounds that it is driving the rest of the American-flag fleet into oblivion, has been submitted to a Congressional committee.

Existing maritime laws and policies are being applied in a manner that dangerously weakens this country's balance of payments position, Howard M. Pack, president of Seatrain Lines, Inc., declared in a statement to the U.S. Senate Committee on Small Business, which held regional hearings in the Port of New York last Friday and Monday.

GOVERNMENT ACTIONS HIT

Charges that the federal government gives undue preference to the subsidized lines have been made at the current hearings of the House merchant marine subcommittee in Washington by the American Maritime Association and by the unsubsidized States Marine and Isthmian lines.

Pointing out that the share of this country's foreign trade carried in American-flag ships has declined from 65.3 per cent in 1946 to 42.6 per cent in 1950, 10.5 per cent in 1960 and to an all-time low of 6 per cent last year, Mr. Pack said the downtrend will continue unless action is taken.

When Congress enacted the program of maritime construction and operating subsidies in 1936, its obvious intent was to get the most American-flag ships possible in operation for its money, Mr. Pack told the session conducted by Sen. Harrison A. Williams of New Jersey.

"Unfortunately, the laws have been so implemented that the subsidized lines not only receive construction and operating differential subsidies, but also receive the indirect subsidy of cargo preference," Mr. Pack said.

"As a result, additional American unsubsidized ships are not available to help in our balance-of-payments problem because they cannot operate when their basic cargo has been taken away by the competition of the directly subsidized American-flag ships."

The Seatrain president called upon Congress to revise the law so that subsidized liners would be allowed to carry only commercial cargo, leaving government-sponsored cargo to the unsubsidized American-flag ships.

If the unsubsidized vessels received this kind of government help for their outbound sailings, they could then be positioned to carry unsubsidized cargoes, either back to the United States or to another country, Mr. Pack explained.

An American bulk carrier outbound could carry government-financed grain to India and Pakistan, and on the return trip carry oil or ore to Europe or directly to the United States, he said. Bulk ships can make a bigger proportionate contribution to the balance of payments, he noted, because of smaller part of their earnings goes for port costs than in the case of general cargo ships.

MA PRACTICE HIT

Mr. Pack assailed the Maritime Administration's practice of setting higher rates on government cargo for "smaller and less efficient ships and lower rates for the bigger and more efficient vessels, despite the fact that the cost to the government is substantially greater by so doing."

"If the Maritime Administration would provide that all ships would be eligible to obtain the same rates and that the lowest cost to the government per ton of government cargo carried would be the deciding factor, we would encourage the building of more efficient American ships," he continued.

"These vessels would be able to compete for the carriage of import cargoes and in certain circumstances could carry our commercial export cargoes. This result could be obtained with a savings to the government's

budgetary payments as well as savings to our balance-of-payments position."

Mr. Pack also called for amendment of the law to give operators of the unsubsidized dry cargo and tanker fleet the same right the subsidized lines now enjoy, to accumulate ship-replacement funds from earnings on which taxes are deferred. Legislation to this effect has been sponsored by 22 senators.

Long-term chartering of tankers by the Military Sea Transportation service—which at present has about 40 foreign-flag tankers under charter—would encourage owners to finance and build tankers for operation under the American flag, he said.

BOP SAVINGS

Probably the greatest saving in the balance of payments could be achieved by requiring use of American-flag tankers to carry at least 50 per cent of this country's licensed oil imports, he declared.

At present, 97 per cent of the million and a half barrels imported daily is carried in foreign tankers, with a "huge" drain on American exchange as a result, said Mr. Pack.

He opposed building of American ships in foreign yards and advocated "a substantial duty" on all vessels built or rebuilt abroad.

An example of how American industry shipping a bulk product—coal—can develop markets abroad was given at the Senate committee hearing in New York by Robert R. Nathan and Ralph L. Trisko, executives of Robert R. Nathan Associates, Inc., the firm which made an $89,000 survey of the potential foreign coal market for the Department of the Interior in 1963.

The report is credited with an important role in boosting U.S. coal exports from 35 million tons in 1961 to 49.5 million tons in 1967, Mr. Trisko said, and at least one major company used its exhaustive data on foreign transportation costs and energy needs as the basis for a sales drive in Canada, Europe and Japan.

By the end of last year, the company had long-term contracts to supply customers in Canada and Italy with 30 million tons of coal, and two other exporting firms had contracts to supply about 75 million tons to Japan over the next 10 to 15 years.

Paul Hall, president of the Seafarers International Union and of the AFL–CIO Maritime Trades Department, testified that any government program to boost exports will be "self-defeating" if the cargo is channelled into foreign-flag ships.

FARSIGHTED WISDOM SHOWN BY SENATOR SMATHERS

Mr. WILLIAMS of New Jersey. Mr. President, the distinguished Senator from Florida is far too kind in describing my part in the Small Business Committee's export trade expansion hearings and far too modest in discussing his own role.

It was he who developed the possibility of using the Small Business Committee as a vehicle for exploring ways to stimulate not only small firms but regional industries in our export trade. And it was he who provided the direction and the drive which have made these hearings so successful.

This, despite an arduous schedule of hearings and meetings in the Finance Committee, on the Senate floor, and in the Senate-House conference during the consideration of the complex and vitally important tax legislation, and in addition to the other normal duties of a Senator.

One might have expected the distinguished Senator from Florida to slacken the pace of his senatorial efforts somewhat this year, in view of his impending retirement. But such has not been the case. He has set a fast legislative pace in this, his last year.

I would only add that, in view of the continuing decline in our trade surplus, to the point where it became a deficit in March, the importance of these hearings and the recommendations which will result from them is far greater now than when the study was launched. That is a fitting tribute to the farsighted wisdom of the distinguished Senator from Florida in this matter.

Mr. President, on behalf of the Senator from Oregon [Mr. MORSE], who is necessarily absent today, I ask unanimous consent to have printed in the RECORD a statement he has prepared on this subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

SMALL BUSINESS COMMITTEE HAS BEEN HARD AT WORK ON EXPANDING EXPORTS

I wish to associate myself with the remarks of the Chairman of our Committee (Mr. Smathers) and the Senator from New Jersey (Mr. Williams).

It has been gratifying to me that while everyone has been discussing the worsening of the nation's balance of payments, the Small Business Committee has been trying to do something about it.

It was my privilege to propose these hearings on February 1, 1967, and to hold the initial sessions for the Pacific Northwest region in Portland, Oregon, on May 19 and 20 of last year. Throughout this inquiry, we have enjoyed the active support and hard work of our Chairman, and of both the majority and minority members of the Committee, particularly the Senator from New Jersey.

It is obvious that the nation must do something to reverse the downward plunge of its trade surplus of the past three years. Coming on top of an over-all balance of payments deficit in 17 of the last 18 years, and the prospects of back-to-back $20 billion deficits in our domestic accounts at home, the vanishing trade surplus is most serious. It has been a major contributing factor to the "gold rush" of the past six months and the world crisis of confidence in the dollar.

It seems equally plain to me that central to any export policy is a vibrant and growing merchant marine under the American flag, which can service our exports and can assume leadership in other export policy areas. In my judgment, action in behalf of our merchant marine is long overdue.

Our Committee has been fortunate in having the recognized national leaders of many exporting industries, of labor, and from the universities, banks, and transportation companies advising us on what should be done in the five regions of the country where we met.

This wide spectrum of witnesses is symbolic of the fact that when it comes to the financial security of this country, we are all in the same boat. If our trade situation continues as it has been going, we face the prospect this year of the worst trade performance since before World War II and the possibility that our gunwales will be under water.

As I have been from the beginning, I shall be working with the Committee and the business community through our report and recommendations, and the follow-up on these recommendations. We will do whatever we can to unite the efforts of all concerned in order to bring about a better trade policy and a brighter day for every segment of our export trade and maritime commerce.

MURDER IN WASHINGTON

Mr. DODD. Mr. President, yesterday's Washington Post carried another front page story on the murder of still another shopkeeper by a firearm in the District of Columbia.

This is the fourth slaying of a Washington-area merchant in the last 15 days.

The latest victim was a 62-year-old hardware merchant who was found shot to death in his store on Tuesday afternoon. Police report that he was murdered in the course of a holdup.

When are we going to put a stop to these wanton and senseless killings by guns in the hands of the irresponsible elements of our communities?

Today we have an opportunity to put a meaningful curb on these killings.

Will the Senate respond to this urgent need?

I ask unanimous consent to have printed in the RECORD the editorial published in yesterday's Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 15, 1968]

MERCHANT SLAIN IN STORE LOOTED DURING APRIL RIOT

(By Alfred E. Lewis)

A 62-year-old hardware merchant was found shot to death in his store at 3213 Georgia ave. nw. yesterday afternoon.

His wife, concerned when he hadn't answered her phone calls, entered the store while police were investigating her husband's slaying.

Police said the merchant, Bert C. Walker, had been shot twice in the head by a holdup man who apparently fled without a dime. The cash register was jammed and had been pounded with a blunt instrument. The dead man's wallet was still in his pocket. It contained a small amount of money.

The windows of the store were smashed when it was looted during last month's rioting, and the plywood that stood in their place blocked a view of much of the interior from the street.

It was the fourth slaying of a Washington area merchant in 15 days.

Capt. Eugene D. Gooding, commander of the Tenth Precinct, said the killing took place between 1:15 and 2 p.m., when the body was found.

Walker, who lived at 6518 8th ave., Hyattsville, and who had been in business at the store for more than 30 years, had called a nearby liquor store at 1:15 p.m., to order beer and cigarettes to take home.

At 2 p.m., John Bethea, 59, an employe of the Georgia Avenue Liquor Store, 3210 Georgia ave. nw., walked into Walker's paint and hardware store with the order. The store appeared to be empty and Bethea called out Walker's name. He searched and found Walker's body at the rear of the store, lying behind a counter.

Dr. Richard Whelton, District coroner, pronounced Walker dead at the scene at about 2:45 p.m. He said cursory examination showed Walker had been shot at least twice through the head. An autopsy will be performed today.

Police, who arrived shortly after 2 p.m., were followed soon after by Mrs. Walker.

Walker's store was looted and the windows were broken during the rioting April 5.

The first of the earlier slayings occurred April 29, with the fatal shooting of Benjamin Brown, 59, in his liquor store at 1100 9th st. nw. Next was Emery Wade, 40, an A&P store manager, killed May 3 in the store at 821 Southern ave., Oxon Hill, Md. The third victim was Charles Sweitzer, 59, a sun-

dries department manager in the Brinsfield Rexall Drug Store, 3939 South Capitol st., on May 7. Arrests have been made in each of the earlier cases.

SENATOR BENNETT CHALLENGES THE CREDIT UNION MOVEMENT

Mr. PERCY. Mr. President, our distinguished colleague, the Senator from Utah, addressed the International Credit Union Association International, Inc. in Madison, Wis., on May 10.

His remarks challenged the members of CUNA International to find new ways to make credit available to the poor. While pointing out that credit unions were first established to help members move out of the shadow of poverty by making credit available when other sources were closed to them, he called upon the credit union movement to meet these problems today as they have in the past.

I ask unanimous consent to insert this excellent speech into the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THEN, NOW, TOMORROW

(Speech by Senator WALLACE F. BENNETT, Republican, of Utah, before the International Credit Union Association—CUNA International, Inc.—May 10, 1968, in Madison, Wis.)

As I begin I want to express my deep and sincere appreciation for the privilege you have extended to me to participate in the program of your annual meeting. Because my activity in trying to develop what I consider to be a sound and workable consumer credit cost disclosure bill often seemed to bring me in conflict with positions taken by your association, I had never expected to have this privilege. Now that it has come, I appreciate it all the more.

No matter what our disagreement on the terms of this bill may have been, I have never been an opponent of the credit union movement. Actually, I took the initiative in organizing a credit union for the employees of the company I used to manage, and became a member of it myself. In fact, I think I could be called the ideal member. I've made a monthly deposit for years from which others have borrowed. I hope what I shall say tonight will reflect my interest—and my recognition of the service you have rendered and can still render.

Usually, one of the hardest parts of preparing a speech like this is the title—it's hard to find one—then it's harder to stay within its limitations. This time, the title literally set the pattern for the talk.

Let me repeat it again: "Then, now, and tomorrow."

In the beginning was the need.

In the beginning of the Credit Union movement was the need of the poor for credit. As far as I can learn the first and simplest response to that need was the creation of the Raiffeisen societies. These groups, which sprang up in Germany about 1850, were church-related cooperatives which applied their cooperative principles first to the accumulation of thrift capital among their members—and then to the use of that capital to make loans to these same members in order to increase their economic status. The units were small and self-contained.

About the same time another application of the same principles created a different kind of thrift credit cooperative which was developed under the leadership of Herman Schulze-Delitzsch. He opened up the membership of his societies to include everyone who would join—avoided church ties—and created what was essentially a cooperative banking system.

Both philosophical types are represented among today's credit unions. I belong to one that is company oriented and limits its service to its own small membership made up of employees of one firm. The greatest growth has been in the other type with broader potential membership and greater capital accumulation.

But while the same basic cooperative concept still underlies the credit union movement, the economic and technological world in which it operates has changed so much that neither Raiffeisen nor Schulze-Delitzsch would recognize it. In order to justify my title, "Then—Now—and Tomorrow", at the risk of re-telling an old story, let's take a look at some of the things that have happened in order to better focus our attention on what may lie ahead.

The key word, of course, is "change," but its most appropriate synonyms might be *proliferation* and *revolution*.

Let's look first at the thrift side of the coin. At about the same time cooperatives for consumer credit were being established, the development of so-called "building societies" began. These were also cooperatives, but they gathered savings over a longer time to provide down payments and mortgage credit for home building. When the amortized mortgage replaced the old-fashioned single payment one, these societies developed explosively in size and number and many of them became typical, privately owned corporations.

While their deposits are still called "shares" and their interest payments "dividends" they have attracted a great volume of savings from people who never intend to use those savings to buy a home, and they fund mortgages for all-comers, whether shareholders or not.

The traditional banking system has not taken this competitive challenge lying down, and it not only provides thrift deposit service on which it pays competitive interest, but has also developed a variety of term thrift instruments, modern certificates of deposit to attract personal savings.

And if this were not enough, the mutual fund concept has been devised to open the door to the stock market for the man of limited means, thus creating another new class of small investor-savers.

When we turn the coin over and look at the picture on the credit side the changes have been even more dramatic.

In the beginning the key words were cooperative credit. This was the unique contribution of the credit union movement, out of which grew the whole structure of modern consumer credit. In those earlier days the commercial banking system had no interest in the area of general consumer credit. The common basis for extending credit was against capital assets of reasonable liquidity, and most wage earners had very few of these.

My knowledge of credit history isn't deep enough to identify all the forces and factors that operated to change the basis for personal credit from assets to income, but I'm sure the credit unions were a major influence. This was obviously true for those that were company-based, and could therefore work out arrangements for debt payment deductions from wage and salary checks. This arrangement for deductions, in turn, was only practical after the Federal law required that payroll records be set up to accommodate deductions for social security.

I think the next newcomers to this area were probably the finance companies, beginning with those related to the automobile industry—and more recently to the burgeoning home appliance market.

By the time all this had happened, the philosophical concept that consumer credit could be safely based on income had become firmly set and at this point the commercial banks moved into the field, even to the largest and the most conservative.

But this was not to be the final proliferation. The latest and most rapidly growing entry into the field is the retail merchandising industry. Sales on credit had already been a part of their operation for many decades—but their credit program was essentially a convenience service—generally available only to those customers who didn't really need it. Under this concept, no charge was made for its use. Gradually, however, over the recent years, it has been used more and more as a competitive tool to enable the stores to sell (and their regular customers to buy) merchandise that they could not pay for in full in 30 days. Thus the system of revolving accounts, with its charge after 30 free days was a natural extension of the traditional costfree point-of-sale credit. It merely added the modern consumer-credit concept to the already existing convenience credit service—and the fact that this combination is an appealing one is demonstrated by its rapid growth.

These happenings—most of them over less than forty years, have not only created a revolution in competition between consumer credit plans but as true competition is supposed to do in the classic sense, they have greatly multiplied the market. The volume of consumer credit outstanding has increased by an average of about $6 billion per year—over the last five years, and at the end of 1967, it was just under $100 billion. This has, of course, produced not only greater dollar volume for every factor in the market but also greater incentive for each to get a bigger slice of the pie.

This battle for competitive position not only rages in the market place, but it has even moved into the halls of Congress. Here it has taken many forms, but there are two on which I would like to comment specifically.

Under the old pattern, before consumer credit became so impressive and inviting, each different type of credit supplier had its own method of figuring its credit charges and no one seemed too concerned with these differences. Your credit unions, most of whose collections came through weekly or monthly payroll deductions, quoted their rates on a monthly basis. In fact this was written into the law, I assume at your request. I can see great logic in this because most of us operate on monthly budgets and I think this is therefore still the most practical way of stating the rates of charge for consumer credit. Banks and finance companies on the other hand carried over from the pattern of their commercial loans, the practice of quoting their rates as dollars per hundred on the amount loaned. When merchants adopted their open-ended revolving charge systems, they built them around their long-established pattern of monthly statements—and so applied their charges monthly—as the credit unions do. In fact, the only type of consumer credit cost stated on an annual basis was mortgage credit.

When the credit cost disclosure bill was introduced nearly eight years ago, it sought to require a single uniform method of stating credit costs and selected the annual rate. This was natural theoretically, but if finally written into law will have the effect of forcing all major factors in the consumer credit market—credit unions—banks—finance companies and retail merchants—to change their patterns. Parenthetically, I think it would have been easier and more practicable to leave credit unions and merchants on a monthly rate and change the banks over to the same pattern but things haven't worked out that way.

This requirement for an annual rate has always reminded me of the old Greek legend about Procrustes. This mythical character was a highwayman who is said to have fastened every one of his victims to an iron bed

and made their bodies fit. If the person's body was too short, he stretched it out, and if too long, he shortened their legs.

Then when the title, "Truth-in-lending" was adopted, we were presented with an impossible dilemma. Which did we want—conformity—or truth.

On revolving credit the actual annual rate differs for each account and cannot be calculated in advance. So you cannot have complete conformity and still have the truth. The conference committee is still divided on that subject. Some want conformity, some, of which I am one, want the truth. The debate reminds me of a famous Lincoln story about the legs of a dog. Someone said to Lincoln, "If you call a dog's tail a leg, how many legs has a dog?" Lincoln's answer was, "He still has only four. Just calling a tail a leg dosn't make it one."

I have been involved in the debate on this bill since the beginning and over the years it has become very clear to me that some of the testimony and political pressure has been created by a desire for competitive advantage, either to get a law which will allow the concealment of a higher cost—or forbid the revelation of a lower cost.

One fairly obvious effect of any credit cost disclosure bill we may pass is that it will tend to separate the lenders from the merchants and highlight the advantage the latter have had all along. Credit unions, banks, and finance companies have only one source of income for the service they render—their finance charge. And this must be fully disclosed. But merchants have two—their merchandising profit and their finance charge. Money is money—and charges for its use are easily comparable, but the variety of merchandise and brands is almost infinite. Price differences for apparently similar merchandise have always existed and are obviously accepted by the public. Therefore, part of the finance charge can easily disappear into the price ticket. In fact, there are already some reputable merchants who advertise, "No charge for credit". When I think of this I sometimes wonder how smart the pressure from money leaders for this bill really is.

Before I leave this subject I want to express two other doubts that have grown over my eight years of study of this bill. First, I seriously doubt that it will help the people in whose name it has been conceived—the poor and the economically illiterate.

Essentially these are people who have no firmly established credit standing, so they must buy or borrow where credit is available to them, and availability is more important than price. The membership of the early credit unions was made up of people in this class and you have helped move them out. Those who have been thus helped do have credit standing and therefore they can decide where to buy or borrow for reasons other than credit cost, such as loyalty, convenience, friendship and/or merchandise desirability.

The other doubt I have about the value of a bill like this is based on reported experience in those states which have already passed credit disclosure laws. What has happened? Nothing. No shift in credit patterns toward the lender with the lowest cost. No great public reaction to an exposure of higher rates. No rush to the courts. Nothing!

The other legislative pattern I want to mention is also a drive toward conformity. Not too many years ago the credit unions—the S&L's, the finance companies and the banks had different functions and were more or less content to stay in their own fields. But no more. Since the commercial banks are permitted by law to operate in the widest field of all, most legislation of the type I refer to is offered to allow credit unions and others to take on traditional banking functions.

Areas in which there is interest by credit unions which are traditionally within the province of other financial intermediaries include: long term real estate loans, traveler's checks, draft-a-loan service competing with checking accounts, revolving credit, insurance programs, a central facility to permit mobility of credit union funds, etc.

Savings and loan institutions are attempting to broaden into consumer lending, preferential treatment on rates during periods of credit stringency through Federal Reserve purchases of mortgages, a reduction in the proportion of their assets that must be invested in mortgages, broader geographical lending limitations, the right to guarantee saving rates for up to a year and a limitation on commercial banks ability to advertise rates for longer than one year. They are also seeking certificate of deposit instruments comparable to those being used by commercial banks.

Even the commercial banks who have had the widest field of operation are now also seeking new fields, including such things as the right to pool their small trust accounts—to operate mutual funds—to sell revenue bonds, provide computer service—and operate leasing organizations.

One credit union manager stated it this way, "Banks, savings and loans, and credit unions—three distinct breeds of cats—all with the alley cats' itch to get in each other's backyard . . ."

What all this could mean, of course, is that in the end, except perhaps for vestigial differences in name, we may find that we have created one vast system of identical financial intermediaries—with one set of controlling laws—and one pattern of taxation. Maybe this would be good, but I'm not sure. If that happens, maybe the search for a special type of lender to meet a special need will someday start all over again—like it did over a century ago in Germany, and some innovator will come forth with a new credit idea to break the monotony (or monopoly). In fact, as I shall try to point out later, that need may already be with us.

My announced title was, "Then—Now—and Tomorrow." Since I have already begun to speculate about the future, maybe I'd better move directly into that part of my talk.

I have already expressed my doubts about the ultimate value of the so-called truth-in-lending bill. I have much the same feeling about the ultimate effect of these suggestions for laws to wipe out the differences between the various types of lenders, not because I believe this should not be allowed to happen, but because I believe it is bound to happen, with or without laws.

While we are fighting over today's patterns, the outlines of tomorrow's credit system are already becoming visible. They are not being shaped by man-made laws, but by science.

Over the years cooperative credit based on assets has been replaced by consumer credit based on income. Now we are already edging into what may well be the credit equivalent of the atomic age, instant credit based on computers. Yes, not only instant credit, but instant asset transfers for nearly all commercial transactions.

Once, when we wanted to buy something for which we could not pay in full out of our immediate liquid assets, or had accumulated bills beyond our current reach, we borrowed cash, and carried it around to our creditors in our pockets and purses. Then we established bank accounts and wrote checks. Today's most modern convenience is the credit card—but these too will pass. We can already foresee the day when these will simply become servants in the new world of credit by computers. The technology already exists by which all our important financial transactions both income and outgo can be handled for us instantaneously and as part of this capability, we may even earn instant interest on our balances . . . Why not? Checks could disappear, and cash become more and more only a means of handling minor impulse purchases.

When this day comes, paper work will largely disappear, and credit judgment will also be automatic, based on a record of credit experience constantly kept up to the minute. The prospect boggles the imagination of people who grew up in the days of the handwritten journals and ledgers.

When the day comes when computers take over large central units of capital and computerized records must be established and all who grant credit, must be tied to each other electronically through this central system. Those who are left outside will find that their service will be inadequate and therefore unable to compete.

Where do CUNA and its members fit into the picture? Are you planning to develop your own separate computerized system or will your members want to make alliances with local systems so that they can get the same instant service that the majority of Americans will receive from other financial institutions.

This to me is your biggest future problem. Because of the nature of your operations most of you have not yet come into the check age, let alone the credit card era—and before long you may either be swept into the computer system or out of the big picture—which?

Perhaps I should stop here, *but before it ends*, a good speech should always return to the beginning and I have a special reason for doing just that tonight. I began with a reference to Raiffeisen societies arranged among the poor German peasants over a century ago. The seeds Raiffeisen and Herman Schulze-Delitzsch planted have grown and flourished around the world and produced a rich and vigorous crop of credit unions. Your success has been shared with your members, thus helping most of them to move out of the shadow of poverty. And, of course, this is what your services were intended to accomplish.

But for many people still living in poverty, numbering into the millions, in the countries you serve throughout the world, the problem of the availability of credit is just as real and serious as it was in Raffeisen's day. In fact, the present problems are probably even more dramatic because today's poor can see abundant credit all around them but they don't know how to obtain it or use it successfully.

In spite of all our progress in providing the varieties and volume of consumer credit, the very poor face the same problem their 19th century counterparts did—either no credit or credit at very high costs. It's easy to denounce the loan sharks and the purveyors of shoddy merchandise but for the very poor it's often this or nothing.

Recently the FTC made a survey of installment and retail sales practices in the District of Columbia because some of the prices for merchandise seem unconscionably high and the reason that such a condition could exist, difficult to understand.

For instance the report shows that a portable T.V. sold by a general market retailer for $129.95 cost $219.95 if bought in a neighborhood store in a low income area. Why? Can't the buyer read the ads? How can the highpricer stay in business? But somehow he does and everyone rather naturally assumes that these merchants must make a mint of money by exploiting the ignorance of their neighbors.

It's easy to get all wrought up emotionally about this kind of situation and too often we feel that when we have expressed our concern and indignation, our skirts are clear. All we have to do is call on Congress and pass a law. But when you look at the problem cold-bloodedly—as this report did, you discover that it is economic—not moral!

The FTC report says: "Despite their higher prices, net profit on sales for low income retailers was only slightly higher (4.7% as compared with 4.6%) and net profit on net worth was considerably lower when compared to general market retailers (General Department Stores—13.0%, Low Income Re-

tailers—10.1%). Part of the answer is in the figures for debt losses—general retailers—0.3%, low income market retailers—6.7%—22 times as high."

I hold no brief for these people—I mention these figures to show that they, like their customers, are also victims of the same tragic situation credit unions were organized to cure.

This problem is a modern counterpart of the problem Raiffeisen faced. Can his principles of cooperative credit, and yours, be applied to this current manifestation of the age-old problem? If so, who will take the lead? Ours is a much more complicated society, and the problems of today's poor are rooted deeper in the more complex patterns of our modern industrial system, which has moved too fast for these unfortunates. It is axiomatic to say that their greatest single need is for education—knowledge on which to form sound judgment, and build the confidence necessary to move into the economic mainstream. An important part of this needed knowledge involves credit—what it is and how to use it wisely. Who will help them to acquire this knowledge?

"Then-Now-and Tomorrow"—the more the needs change the more they remain the same. The changes in operating patterns are just that, and should not be mistaken for changes in goals or purposes. Every so often, every organization faces the challenge of its own beginnings, particularly when it becomes successful. Success can breed complacency. The challenges of new peaks to climb fade before the comforts of the plateaus we have reached.

In the past—*Then*—your philosophical founders set in motion a great idea for social service. They found a solution for a great need. In the present—*Now*—you enjoy the power that comes from success in creating a great structure—a powerful machine. But, like every other group that has been successful, you also face the temptation of the inevitable change of motivation that comes with success. Too often the incentive for service is weakened by the enjoyment of the satisfactions that come from the mere operation of the machine. Just to do this gives a sense of power and creates a vested interest in maintaining the staus quo.

In the beginning was the need. The same need is present today and will still be there in the future. The need was your challenge then. It faces you now. It still must be met tomorrow!

Will you be there to meet it—or must a new Raiffeisen rise up to replace you because your course is set only for growth and an increasing share of the affluent market for consumer credit?

You have done well in meeting the challenges of the past.

How well do you feel you are doing in meeting the problems of today?

And what about tomorrow?

PLIGHT OF NEGRO SOLDIER IN VIETNAM

Mr. KENNEDY of Massachusetts. Mr. President, as a member for many years of the Senate Subcommittee on Veterans' Affairs—and as its present chairman—I have been concerned about a variety of problems faced by the returning serviceman, both before he returns and after he returns.

For the Negro, Mr. President, the experience of serving in our Armed Forces has been a cause both for hope and for disappointment. And nowhere has this been more evident than in the conflict in Vietnam.

There is hope, because often in the pressure of battle conditions the discrimination which he may have known at home has been overcome in a spirit of fighting for a common cause—fighting which knows no distinction between white skin and black skin. But there is also disappointment. First, the notion that there is no discrimination or racial distinction on the battlefield clearly is not always true. And second, the memory and the anticipation of treatment back home is not always encouraging.

I would like to call the attention of the Senate to an important and informative series of articles recently published in the Washington Star by Paul Hathaway, who spent nearly 2 months in Vietnam talking to Negro soldiers, from privates to commissioned officers, in Saigon and in the field, and to returned Negro veterans in Washington and other cities.

Mr. President, I ask unanimous consent that this series of articles be placed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE NEGRO AT WAR—SOME DISTURBING QUESTIONS ARE RAISED

(By Paul Hathaway)

In Vietnam, when a white soldier asks the latest arrival from the states "How are things back in the world?" he's just getting the conversational ball rolling.

But when a Negro soldier asks the ques- it's not just conversation. He is asking for specifics: Are things any different back home? When this is over, am I going back to the same world I left?

In a nutshell, this tells the story of the Negro in Vietnam.

It would be pleasant to be able to report that in the crucible of war color differences fade and that in the task of fighting for his country side by side with his white comrades, the black soldier finds a commitment that relieves him of his burden of bitterness and tension.

In fact, when The Star's editors assigned this reporter to go to Vietnam and talk to Negro soldiers about how they felt about their country and the war and their future, it was in the expectation that that picture would emerge.

It didn't.

For most Negro soldiers in Vietnam it is as though they never left the ghetto. Its agony and its hope, its hate and its love, its violence and its security have come with them to that war-shattered land.

The Pentagon says that when 1968 began, there were 56,000 Negroes in the armed forces in Vietnam, 9.8 percent of our total fighting force. These men are doing all the things that white men do in a war. They live. They die. They kill. They cry. They run away. They curse. They pray. Then they go home. And that is what they think about most.

The black soldier may be eulogized in this war as he has been in others—from Crispus Attucks, who led anti-British agitators against the British in 1770 in the Boston Massacre, to posthumous Medal of Honor winner Pfc. Milton Lee Olive III, who threw himself on a Viet Cong grenade to protect his comrades.

But the reality of the Negro soldier in this war as a person will not be recorded so easily. He is a complicated, troubled, sometimes angry man. He is asking himself some disturbing questions: Is he black first and American second or American first and black second; is he fighting in a white man's war; might the so-called enemy really be his ally in war of the races; is he being used as cannon fodder; is he fighting for his freedom or for someone else's; are the patterns of denial and discrimination that he has known in the states still with him here amidst the red dust and sing-song language?

The answers are not easy for today's Negro soldier. Ironically, they are not as easy as they were in World War II, when two segregated American armies, one black, the other white, fought a common enemy.

Now the armed forces are desegregated—have been, in fact, since the Korean war. But now, also, there have been difficult questions raised for the Negro about the war and his role in it.

The late Dr. Martin Luther King Jr. questioned the morality of the war, as well as the black man's involvement in it.

Muhammad Ali, the former black heavyweight boxing champion, refused induction into the Army on the grounds that he was a Black Muslim minister. He called the Vietnam conflict a white man's war, saying he would not fight his brown brothers in Vietnam.

On a street corner on Washington's 14th Street, in the heart of the city's riot-torn ghetto, members of the anti-war black radical Student Nonviolent Coordination Committee taunted Negro soldiers patrolling the area: "Red China's gonna get you, baby."

DISAFFECTION STRONG

In a month of interviewing hundreds of Negro soldiers all over Vietnam, from the Mekong Delta to the demilitarized zone, this reporter found strong disaffection among black soldiers with the war and their role in it.

Eighty to 85 percent of those interviewed expressed negative feelings about the purposes and the objectives of the war or about the military's treatment of Negroes or about both. Usually, it was both.

Some 15 to 20 percent felt there was no difference between themselves and their white counterparts, that it was a war being fought by the "free world" against Communist attempts to take over Southeast Asia; and that if the war were not being fought in Vietnam, it would be fought back in the United States, perhaps even in the ghetto.

Many of these soldiers felt that those whites who were prejudiced toward Negroes would change after the war, that physical integration on the battlefield would lead to greater understanding between people. Some appeared to welcome Vietnam, with the challenges it presented, as a way to achieve manhood in a world that calls them "boy."

A definite pattern emerged early in the interviewing. Usually, the soldier who expressed negative feelings was in his early 20s and had been drafted or had joined the service because he was about to be drafted. He was not serving his country so much as he was serving his time.

In most cases, he had a minimal amount of education. Perhaps he was a high school dropout. He usually had no desire to reenlist, even though he expressed strong doubts about the kind of life offered him as a Negro back home.

"You go back and tell LBJ that if he extends our tour of duty over here, the brothers are gonna riot," said a paratrooper in Pleiku. "I want to go back to the block, bad as it is."

On the other side, the Negro soldier who identified most with the war and the service usually was in his late 20s or early 30s. He either was already a career soldier or planned to make the service his life. He usually was at least a high school graduate and often had a year or more of college.

He was well integrated in the service and had close associations with whites. He seemed to feel he had been treated fairly in terms of assignments and promotions.

As if it were some sort of medal earned by his diligence, he would trundle out in conversation the kind of security the Army life offered him in Vietnam and his family back in the States.

He would talk hopefully about the future, about the big pension he would be getting in addition to whatever he was going to be doing later. He seemed to have no fear or self-doubt about looking around for a new

career or completing college at the age of 39 or 40.

ASSUMES ALL ALIKE

A Negro field grade officer interviewed felt that many Negro enlisted men live with white soldiers of a low socio-economic level who have little education and are more inclined to have feelings of prejudice. Thus, he said, the Negro soldier, who usually has had few past associations with whites, assumes that all whites are the same.

"Most of the people I work with are college-trained, a little more worldly, a little less likely to be jealous or suspicious of Negroes," the officer said.

Most Negro soldiers were interviewed alone, Negro to Negro, for this series of articles. No interview was conducted in the presence of white men or higher-ranking military personnel.

Seldom did a soldier refuse to be interviewed. Most seemed to look at the interview as therapeutic, as though the soldier had been waiting for someone to whom he could unburden himself.

Despite the negative feelings expressed generally about the war and whites by Negro soldiers, most of them have a hawkish attitude toward the fighting. As long as the United States is committed to the war and they are helping to fight it, they believe in going all-out to win. They scoff at bombing pauses and the limited aspects of the war.

Like many of their white counterparts, many Negro soldiers have a callous disregard for the Vietnamese people, a disregard bordering on contempt.

To many black soldiers who see their lives threatened by war, the Vietnamese are not so much people as they are obstructions that must be overcome. They are people who refuse to help themselves, who should be able to lift themselves by their own bootstraps without American help. These soldiers don't appear to recognize the similarity between this attitude and the attitudes they most deeply resent at home.

In Hue, a squat, gold-toothed Negro soldier in an oversized helmet spat angrily into the turbid waters of the Perfume River and stared across the street at a group of South Vietnamese soldiers looting abandoned and damaged stores in the city's business district, oblivious to the mortar blasts and machine gun fire that shook the area.

"Look at them," said the soldier. "They're all the same, soldiers or civilians. They steal from each other. They cheat. They lie. Most of those people aren't worth saving, man."

Suddenly sniper fire hit less than 25 yards away and he and the reporter scrambled on their stomachs to safety behind a tree. Still, he talked about the Vietnamese, about what he would do if he were commander-in-chief.

THEY'RE NO GOOD

"I'd pull every American out of this country and then I'd drop one big atomic bomb, bomb every one of 'em off the map. They're just no good. That's all."

Minutes earlier, this same soldier had expressed the strong belief that "chuck" (white) officers placed Negroes in untenable battle positions so they would be killed off "and there would be one less nigger to worry about back home."

In Nah Trang, an Army corporal lamented the limitations put on the fighting.

"What kind of a war is this?" he snarled, slamming the palm of his hand hard on the mess table before him. "We can't shoot this. We can't shoot that. You can't bomb this. You can't bomb that."

His stubby firefinger drew imaginary lines on the table.

"There's only one way, one way to win this war," he said in a half-whisper, as though he held the final solution to the Vietnamese problem and he were keeping it secret until the right moment. "Treat all Vietnamese the same—the soldiers, the civilians. Let's take over the whole country, I mean really take it over. Treat all the South Vietnamese as the enemy. Don't trust the enemy. Then there'll be no more Viet Cong infiltration. No more enemy. That's how we'll win the war and get out of here."

Someone asked if this would be fair to the Vietnamese people.

"Who cares about them?" he shrugged. "Who cares? I don't. Who can respect anyone who sits around eating fish heads and rice all day."

A POTENTIAL ALLY?

Despite the attitude toward the Vietnamese, many of these same Negro soldiers believe—or would like to believe—that the enemy sees the black man as a potential ally.

Scores of unconfirmed stories circulate among black soldiers in which the enemy treats the Negro either as a friend or as a neutral party.

"Man, I hear the gooks (the Vietnamese) got these seven soldiers and they killed all six whites and they let this one blood (Negro) go," said an excited Negro. "And intelligence has had this guy for days asking him how come they let him go and how come they didn't kill him, too. But this cat ain't telling them nothing."

Belief in these stories is strengthened by Viet Cong and North Vietnamese leaflets aimed at American troops which address the Negro soldier this way:

"Black man, why are you fighting here? We don't want to fight you. Your war is against the white man back home."

One Negro soldier admitted that in the midst of the shooting at him, he is moved by the enemy's appeal.

"And I think to myself, 'Man, you're right.' "

THE NEGRO AT WAR—THE PROBLEM IS BACK HOME

(By Paul Hathaway)

Enemy rocket blasts shook crowded Da Nang Air Terminal. But Marine Pfc. James Barnes did not seem to hear them. He stretched his long legs and closed his eyes, trying to reconstruct the nightmare he had lived through as an infantryman in the war-ravaged northern provinces of South Vietnam.

What he would always remember most about the north, he said, was seeing his friends, Negroes like himself, die as though their lives were light switches that could be turned off.

Barnes, 20, of Newark, N.J., said he thought he would write a book about it some day—about Vietnam and about black soldiers and their problems with the war and with the whites. In his book, there would be no heroes and no villians, just people trying to survive. It had to be written, he said.

He talked with the conviction of a man who has decided to put off writing The Psalms until tomorrow.

"I can't see the war," he said, shaking his head. "I can't see it at all. I can't see killing somebody you might be buying a drink for back home. Maybe I would buy him a drink before I'd buy for one of the chucks (white). I can't tell. I mean, how do I know the guy I'm fighting isn't a guy just like me? Somebody who just doesn't want to be bothered with nothing, somebody who wants to be left alone?

He groaned and folded his arms.

"I'm sick of it," he said. "So sick. . . . They say we're fighting to free the people of South Vietnam. But Newark wasn't free. Was Watts? Was Detroit? I mean, which is more important, home or here?

"I can't see it. . . . I hope my friends died for something. But I don't know. I seen too much war to be 20. Walk past your best friend, dead, and you don't even really recognize him. People killed. For what? For nothing. Let me go home. That's where the problem is."

Barnes was on his way south for duty in Saigon for a few days before returning north.

He continued talking like a man who is being pursued by something he cannot quite see or understand.

"It's lonesome and scary up north for the brothers," he said, biting his lip nervously. "Sure, we fought together with the whites. We fight with 'em and we fight against them."

He expressed a belief often heard among Negro soldiers that they are given the more dangerous assignments in combat areas.

"When you're on patrol and moving into an area, it's always the Negro who's walking point (up front). That means he's the first to get it if a mine explodes," he said. "That's the kind of assignment we get from the whites. Harassment. Nothing but harassment. Look at the guys who go out on sweeps, who protect hills. Brothers, as many brothers as they can find."

Proof that this actually occurs can't be found, and military officials emphatically deny it. They say that all assignments, dangerous and safe, are distributed without regard to race.

But an important fact is that many Negro soldiers are convinced such lethal discrimination does occur and that as a result they suffer an inordinate number of battle casualties.

In Can Tho in the Mekong Delta, a Negro soldier sat in a bar wondering aloud to a Negro friend if someone—some white—was trying to kill off Negro soldiers.

"The other night we were on patrol, all brothers," he said. "The whites were on guard. We got through the night without any trouble. But, afterwards, I got to thinking, what if this was an ambush? We'd be wiped out and the whites would be safe."

"Well," said the other, "the guys on guard duty could have been hit and you would have been the safe ones. You ever think of it that way?"

The first Negro soldier shrugged and didn't reply.

In Dong Ha, a Marine private said he thought the Negro death rate was as high as 60 percent.

"I think we're being killed off," he said. "I think we're being used. That's what."

Defense Department figures show that the percentage of Negroes killed in Vietnam is slightly higher than for whites, a statistic the Pentagon explains is due to the higher percentage of Negroes in elite volunteer combat units and the high percentage of Negro non-commissioned officers.

The official figures show there were 56,000 Negroes in the armed forces in Vietnam on Jan. 1, 1968, 9.8 percent of the total fighting force. In over-all deaths, Negroes in the six years prior to last Jan. 1 had been killed at a rate of 14.1 percent. For 1967, there were 9,378 killed, of which 1,192—12.7 percent—were Negro.

The Army had 37,500 Negroes among its 337,000-man force—11.1 percent. In the six year period, there were 9,599 deaths, of which 1,565—16.3 percent—were Negro. In 1967, 13.5 percent of the soldiers killed were Negroes—733 of 5,443.

8.2 PERCENT IN MARINES

In the Marines, there were 6,500 Negroes, 8.2 percent of a total Marine force of 78,000. Over the six-year period, Negroes accounted for 644 of 5,479 deaths, 12.1 percent. In 1967, 441 Negro Marines were killed, 12.8 percent of the 3,452 Marines killed.

Of 83,000 Air Force men on Jan. 1, 9,000 were Negro—10.5 percent. The six-year death rate for Negroes was 3.3 percent—13 of 434. In 1967, the Negro death rate was 5.2 percent—9 of 172.

There were 3,000 Negroes among the 69,500 Navy personnel—4.7 percent. The six-year Negro death rate was 1.9 percent—10 to 510. For 1967, the Negro death rate was 2.9 percent—9 of 311.

Though the Negro makes up 9.8 percent of

the armed forces in Vietnam, he constitutes about 20 percent of the combat troops and more than 25 percent of such elite Army units as the paratroops.

Some have estimated Negro participation in airborne units at from 45 to 60 percent.

Statistics also show that one of every four of the Army's front-line supervisors in the grades of sergeant first-class and master sergeant is a Negro.

The re-enlistment rate for first-term Army men is also significantly higher among Negroes. In 1965, this rate was 49.3 percent for Negroes and 13.7 percent for whites.

It also has been noted that the Negro is a more likely candidate for the infantry during his first enlistment because of a lack of skills and education. Some Negroes claim that those who make the assignments simply assume that the Negro is unskilled and therefore that he will be useful mainly in a combat unit.

OFFICER GAP HIT

Negro soldiers also complain about the lack of black officers.

The Defense Department said it has no figures on the number of Negro commissioned officers in Vietnam, but that over-all figures for the armed services presumably apply for the combat zone. The latest figures the Pentagon was able to provide are of Dec. 31, 1966. They show the Army with 4,064 Negro officers, 3.6 percent; 264 or 0.3 percent in the Navy; 132 or 0.6 percent in the Marines; and 2,261 or 1.7 percent in the Air Force.

Many Negro soldiers claim their negative attitude toward the war can be blamed on the situation back home and not on the war itself.

In Phu Bai, Marine Pfc. Richard L. Gray Jr. of Fairmont, W.Va., said last summer's riots increased tension between black and white in his area, the northern provinces where the heaviest fighting has been.

Gray said that when the Detroit riots erupted last summer, a group of Negro soldiers from the city started a disturbance one night during a movie in the mess hall. It was quickly put down by military police.

"It seemed like when the rioting broke out back home, they felt that they had something more important to do back in The World (the United States). It seemed like they wanted to be back there kicking somebody, too."

Another Negro soldier confirmed reports that a number of soldiers, particularly in the northern provinces, have turned to smoking marijuana.

"You can't blame them," he said. "You'd have to take something or go out of your mind. . . . But I do think that if you took a count, you'd find that there were more brothers smoking them than whites. Like back in the states, you got more Negroes taking drugs than whites. I think it's because the brothers have more problems here and in The World."

MUHAMMAD ALI DISCUSSED

In Dong Ha, 10 miles from the Demilitarized Zone, Marine Pfc. Richard Strothers, 21, of Roxbury, Mass., sat on his bunk listening to a record by Gladys Knight and the Pips on his battery-operated phonograph and talking about Muhammad Ali, former world heavyweight champion.

Strothers said he could not believe Ali is a coward because he had refused induction into the Army. Ali technically refused induction because he is a Muslim minister. But he also said he considered the Vietnam conflict a white man's war.

"You know there must be something more to the man," said the smooth-faced Strothers. "How could he be a champion of the world and be a coward?"

"Who knows?" said Strothers, echoing sentiments often expressed in Vietnam by other Negro soldiers. "If I had to do it again, I might have done the same thing."

He had joined the Marines because the draft was imminent and because the Marines had a glamorous tradition. But now, 10 miles from the DMZ, where the enemy lobbed in rockets every hour and you slept with your flak jacket and your helmet nearby, glamour had degenerated into fear.

"This is no man's war," he said. "And certainly not a colored man's. When people can't live together back home, I can't see coming over here fighting."

In Vietnam, he said, he had encountered all of the discrimination he hoped he had left behind in the states.

Suddenly, a rocket hit within several hundred yards of the area, kicking clouds of red dust high in the air, and Strothers, picking up his flak jacket and his helmet, bolted out the door of his billet with a reporter and they scrambled into a narrow 8-foot-deep bunker head first.

Strothers turned away from white soldiers standing in the bunker three feet away as he continued his story.

I WANT A NIGGER

In Phu Bai, Strothers and a group of Negro friends were playing cards at a club when a white soldier wandered in, drunk, shouting, "I want a nigger."

Strothers took him on. Later, as punishment, Strothers was given a slap on the wrist, one day of office duty. The white soldier was fined $50.

Strothers felt the white soldier should have been punished more severely for instigating the incident.

"The judge told me I should have turned the other cheek," he said. "That's been the colored people's problem all these years. We been turning the other cheek."

Strothers looked at his watch and sighed. It was 4 p.m. and Israel X had not returned.

Israel X or Pvt. Israel X. McCoy, who Strothers said is a Black Muslim, is the unofficial leader of a group of about 40 Negroes at Dong Ha. Strothers said he had been sent to Khe Sanh on kitchen duty for "bugging the brass."

"They don't like Israel," said Strothers. "He speaks his mind. When the brother isn't treated right, Israel X speaks up. He's the leader."

Israel X's bunk sits in the corner of Strother's billet. The corner is a kind of khaki-colored monument to blackness.

MOTTOES ON LOCKER

Graffiti are scrawled on Israel X's locker: "Up, You Mightly Race," "Africa for the Africans at home and abroad," "The Black Mood," and "There is no law but strength. No justice but power."

The names of the black brothers are meticulously inscribed on Xs locker in thick black letters: McCoy, Strothers, McIntyre, Wallace, Vernell, Caesar.

For months the brothers had been meeting at nights in the hooches in the far end of Dong Ha. Here in this embattled outpost, they had created their own ghetto.

"It's the war that makes us hang out together," said Pvt. George F. Washington, 19, of 1444 Rock Creek Ford Road, Washington. "When you're this close to death, you feel more secure with your own."

In Nha Trang on the coast, the only hint that there is a war on is the barbed wire in front of the compounds. After the Tet offensive, there was only a minimal curfew. On weekends, soldiers hold cookouts and play touch football on glistening white beaches.

Officers and noncommissioned officers live in stucco-type villas that are close to a road where pretty, long-haired Vietnamese girls stroll by in floating ao dais, the traditional Vietnamese dress.

But there is a black anger, too.

Army Spec. 4 William F. Washington from Los Angeles criticized stories he had read in newspapers and magazines about the harmony of black and white soldiers on the battlefield.

As a group of five Negro soldiers sat around a mess table nodding their heads in agreement, Washington snarled: "All this talk about integration in the foxhole. Well, why not? Why not? You cover his hide and he covers yours. Thats how you survive . . .

"But, you see, that doesn't mean that he's going to treat you any different when he gets back in The World. It's just that you need each other more now."

It was that way in Nha Trang, he said. The whites talked with them, worked with them. But when it came to going downtown to the bars and to the women, the whites went their way and the Negroes went theirs.

"And when I get up in the morning in the barracks and I don't speak to no one, the white soldiers will say, 'Washington, what's the matter with you?' I don't answer. But I want to say, 'Man, don't you know? Don't you know by now?' "

[From the Washington Star, May 8, 1968]

THE NEGRO AT WAR—"I'LL STICK WITH MY COUNTRY"

(By Paul Hathaway)

It has never occurred to Marine Cpl. Hosea Dyson that he is anything but a soldier. To him, being black is irrelevant in a war.

He scoffed at any thought that the war in Vietnam is a white man's war.

In war, he said, there are no Negroes, no whites; there are only those who gain glory in fighting for a cause they believe in.

"It's everyone's war," said the husky, soft-voiced Dyson, a 22-year-old graduate of a small community college in Chicago, where he had attended an integrated high school. We were talking aboard a plane on the way to Da Nang from Saigon.

Unlike many other Negro soldiers in Vietnam who are disillusioned with the war and their role in it, Dyson saw purpose and direction in the conflict.

"I'm an American citizen first," he said. "It's the only country, the only life I know. I can't turn my back on it, even though I know its been wrong many times, particularly about colored people. I feel I have a sense of responsibility and I'll stick with my country."

Since he was 6 years old, when he saw a blue-uniformed Marine carrying the colors, Dyson wanted to be a Marine. Two years ago, he enlisted in his home town of Chicago.

"I've never looked at white people as beasts," he said. "They're people. And I am people. They respect me and I respect them. The Negroes who don't feel comfortable around whites are the ones who never took the time to know them. I always caution guys when they start talking about the white man. I usually ask them to ask themselves if they are really being fair with themselves and with whites. Sometimes, they understand."

As a squad leader, Dyson helped defend artillery installations on hills overlooking the Demilitarized Zone. Over a three-month period, he saw mortar fire cut down eight of the 15 men in his squad.

Once a mortar barrage buried him in a bunker for 45 minutes. Another time, a rocket exploded nearby, killing his buddy a foot away and perforating both of Dyson's eardrums.

"Once when a white soldier left my squad, he shook my hand and told me he'd been proud to be in the same foxhole with me," said Dyson. "It made me feel good, so good. I would have felt good if a Negro had said it, but it struck me that someone white should do it."

Dyson feels that war doesn't give a man time to think about color.

"In war, there isn't any color line," said Dyson. "Charlie (the enemy) doesn't care whether you're black or white. So you have

to work together. You depend on each other to survive out there."

But what happens after the war? Will white attitudes change then?

"I think war changes men," he said. "It will make a difference when we get back. Out here, they see us as people. Before, you were just a shadow or something. Now they know you."

He recalled a night near the DMZ when part of the squad was cut off from the other during an ambush and he and his men were crawling through the jungle to retrieve the dead bodies of squad members.

"We didn't care whether they were black or white, then," he said. "We just wanted to get them back so they could have a decent burial. . . . That's the thing about being a Marine. I don't care about dying so much. I've learned to live with the idea my time might come. It's my parents and my girl I would feel sorry for, not for myself. But, at least, I know one thing. I've got friends here, black and white, who would find my body and bring it back."

BADGE OF EQUALITY

To some Negro soldiers, Vietnam has become a kind of symbolic mission to prove their manhood. For them, Vietnam is a badge of equality, proof that they belong, though they are not necessarily certain it will open new doors when they finish their tour of duty.

They come to Vietnam burning with the ambition to prove themselves, with the idea that the world owes them the dignity of at least recognizing that they exist.

In Pleiku, Spec. 4 Lawrence Harkless, of the 173rd Airborne Division, a former policeman in Watts, spoke of the large number of Negroes who join the elite groups such as the Airborne.

"We join because of pride and the $55 extra a month," he said. "It's a challenge. The brother likes the challenge. We're tough and we want everybody to know it."

He thought about returning home.

"When I get home, I don't want anyone to mess with me in the block. 'Cause I'm a man. If they never noticed before, they better notice now."

For some, Vietnam offers more security than the world they knew back in the States.

A ROLE TO PLAY

Marine S/Sgt. Leon Thomas, 30, stationed at Camp Carroll near Khe Sanh, felt soldiering, even in Vietnam, offered more than civilian life. Thomas, a veteran of 11 years and a native of Cincinnati, said, "It's not like World War II, when the Army was segregated and the Negro didn't have any responsibility. Here we have a role to play. We can see our progress."

Civilian life, Thomas said, was different.

"I don't know if I could live as a civilian," he said. "I could work at a job for eight years and no one would give me a promotion and I'd probably have no recourse. But here in the Marines, you can see your progress, you can have the responsibility."

As for facing civilian life again some day, Thomas said, "I don't think I have to beg anyone when I get out. I can say, 'Look here, white man. I proved myself. Give me what's coming to me.' "

Thomas conceded that many of the younger Negro soldiers have assumed a more militant posture toward racial problems.

"Maybe it's because they were in the States more recently and for a longer time than some of us older fellows. But they seem to be a little more caught up in what's happening back home than us."

Marine Cpl. William Bellamy, 22 of Tarboro, N.C., admitted that there is a growing contingent of anti-white, anti-war Negroes in Vietnam which he keeps at arm's length.

"Many," he said "talk continually about how they are being treated unfairly. But I can never get anything specific from them. As far as I am concerned, I am treated like anyone else. I've been with some whites since Camp Lejeune and not one of them has ever treated me with anything but respect."

DEPUTY ADVISER

Lt. Col. Howard Moon, 38, joined the Army right out of Central State in Ohio in 1949. It was a segregated Army then. The few Negro officers usually were assigned to supply or mess.

"I joined the Army because nothing else seemed to be available in my home town back in Columbus, Ohio," he said. "I could be a schoolteacher, maybe. But I didn't really want that. So I joined the Army. I felt it offered me more of an opportunity than anything else."

Today, Moon is deputy senior adviser to the chief of Thua Thien province in Hue.

Vietnam is every American's responsibility, he said.

"We have a commitment here to people," he says. "If we leave, the lives of these people will be dominated by the Viet Cong. Any Negro should be able to understand this. They should know what being dominated means. These people trust us. They know we'll rebuild Hue. But they also know that the Viet Cong would not lift a finger to rebuild it."

Moon feels that the Army offers an opportunity to Negroes that could not be found in civilian life.

"It gives the Negro a chance to be heard," he said. "We have responsibilities in the Army that we might not find in the private sector of life. The Army life offers Negroes the chance to express themselves and make themselves heard."

But, he added, many of the younger Negro officers apparently are not re-enlisting as opportunities for minority groups develop in private industry.

"Those who might have re-enlisted a few years ago are not doing it now because they have a chance to make economic gains in areas that wouldn't have accepted them earlier," said Moon.

THINGS HAVE CHANGED

First Lt. William Pettis, 30, is serving with the 172nd Engineer Detachment. He joined the Army 10 years ago after working for almost two years as a gas station attendant and dishwasher. After serving as a non-commissioned officer for five years, he became an officer two years ago.

"I felt that on the basis of what I found in civilian life that I could only do better by joining the Army," he said. "I was right."

Pettis, who comes from Aberdeen, Md., remembers that when he had basic training at Fort Jackson, S.C., there were separate barber shops for black and white.

"Things have changed since then," he said. "I feel I can get a fairer shake here than in civilian life."

Pettis sees no discrimination in promotions as other Negro soldiers have charged. He is due for promotion to captain later this year.

To the argument that this is a white man's war, Pettis said, "What do those guys want back home? It's our freedom we're fighting for, too. If we don't fight here, the Communists will take over our country, too. And the ghetto will have even less than it does now."

THE NEGRO AT WAR—JUST FINDING A JOB IS WORK

(By Paul Hathaway)

Two years ago, Johnnie Britt joined the Marines because he was only hanging around street corners and he was afraid he'd get into trouble.

Today, Britt, 19, is back in Oakland, Calif., from Vietnam, looking for a job and afraid he'll get into trouble before he finds one.

Since he was discharged last June, his efforts to find a job have been fruitless.

"A few times I've almost given up," he says. "I was ready to go back into the service. But I've always held myself back. After all, it didn't help me before. Why should it help me now?"

Britt, a lean, intense youth with two front teeth missing, lives with his parents, two brothers and a sister. His service unemployment money ran out in December. From 9 a.m. to 5 p.m. each day, he wanders the Bay area looking for a job.

Sometimes he caddies at a local golf course for $10 a day. That is the closest he has come to steady work.

Britt admits that his efforts are blunted by his lack of education. He quit school in the 11th grade to join the Marines because he didn't feel he was learning anything. In the Marines, he was placed in the infantry.

Early last year, he was sent to Vietnam. At Chu Lai, the war wore him down physically and mentally. In April of 1967, he was sent home with a bad case of war nerves and given an honorable discharge.

For the first month he was home, he didn't try to find a job. He felt it would be easy once he started looking. But it wasn't. He said he has looked everywhere—from state, city and federal agencies to private industry. Either he lacks the qualifications or the job is taken.

Each day, Britt keeps looking.

"I keep telling myself that it can't last forever, that I can't stay a loser forever," he said. "But sometimes I wonder. Maybe it will just go on and on."

Britt was referred to the Bay Area Urban League by the local Veterans Administration office. Costel N. Akrie, veterans' affairs coordinator for the league, has been trying to help Britt.

Early this year, the National Urban League established veterans offices in nine cities to assist Negro veterans in adjusting to civilian life. The national program is supervised by Frank R. Steele, a retired Army major. Akrie is one of nine veterans' affairs coordinators working under Steele.

The program was the idea of Whitney Young Jr., executive director of the Urban League. It has received a $100,000 a year grant from the Rockefeller Brothers Fund. Another 50 members of the league's Commerce and Industry Council, which includes Time Inc., Westinghouse, Ford Motor Co. and Eastman Kodak, will give another $77,000.

In his successful proposal to the fund, Young said that his meetings with Negro soldiers in Vietnam indicated that they "could be either America's greatest opportunity for progress in civil rights, if planned for and properly directed; or America's most tragic experience, if they who have given so much and have developed such unusual qualities are ignored, and inadequate plans made for their re-entry into the mainstream of civilian life."

Akrie, 36, served in the Army in the Korean War. He said that the veterans' ability to make an adjustment to civilian life will depend largely upon what kind of training and education they had before entering the service.

"If he does not have an education, a high school diploma or something, then he is damn near unemployable," said Akrie. "Despite his youth, he is the same as the uneducated guy in World War II or the Korean War. He's at a dead end. The kid comes back from Vietnam. He sees black veterans from other wars fighting the same problems and he asks himself, 'Is this going to happen to me?' "

In the Bay Area, said Akrie, many employers have expressed a desire to help the Urban League program but they have been slow on "follow through."

EDUCATION STRESSED

Akrie said he feels that changes must be made in military as well as civilian life. He favors legislation stipulating that all services require that their personnel receive the equivalent of a high school education before they complete a tour of duty.

In this way, he said, there will be better preparation for the transition to civilian life, where good jobs come hard to the uneducated and the undereducated.

Many service responsibilities do not lend themselves to civilian adjustment, says Akrie. An anti-aircraft technician, a demolition expert or a rifleman had little chance to correlate his former job with one in civilian life," he added.

"Unfortunately, many Negroes fall into these categories," said Akrie. "They went into the service without an education or with an incomplete one, and they are put into a job that does not train them for anything useful in civilian life. They come out with the same problem they had before they went in."

Then, he said, there is the problem of the hypocrisy of the power structure.

"They tell us we need college degrees," he said. "But there are few Negroes that have them. The kind of people industry asks for, we are sometimes unable to supply. They will require a bachelor's degree from a Negro for a particular kind of job, but a high school diploma from a white veteran."

He said he knows of three men with from two to four years of college experience who are working at post office jobs because they have been unable to find anything else. Another, with two years of college, had a custodial job.

NOT ENOUGH MONEY

Leaford Williams, Akrie's Washington counterpart, said he felt that the federal government has failed to meet its responsibility to help veterans. Because they are on the lower end of the social strata, he says, Negroes suffer most.

The government, Williams said, has failed to upgrade the Veterans Preference Act of 1944, which eliminates certain educational requirements for veterans for jobs up to GS–5 at $5,867 a year.

"The federal bureaucracy makes it impossible for veterans to receive consideration even for these jobs," said Leaford. "But even if they were to be considered, it is certainly not enough money."

W. Morton Webster, head of the Southern California regional office of the Veterans Administration, the largest VA office in the country, said that 40 percent of the soldiers returning to his region are either Negro or Mexican-American.

"The average veteran finds a job in five weeks from the time he gets home," he said. "But we find that most of the Mexican-Americans and the Negroes are underemployed. It's not the kind of job that will offer them any kind of future." But government statistics indicate the Negro veteran earns $1,000 more a year than the Negro non-veteran.

It has been estimated that about 41,000 Negroes will be returning to civilian life this year. About 5,000 will have served in Vietnam.

Government agencies have put together a composite picture of the Negro veteran. He is about 22 and has an average of 10 years of education, compared with eight and one-half years for Negro men in general.

VETERANS EARN MORE

More Negroes than whites take advantage of various GI education and vocational-training programs. About 53 percent of the black veterans are reportedly ready to return to school, compared with 45 percent of the whites.

Most of the Negroes who have gone into the military service in the last few years are in the upper 40 percent of all Negroes of draft age mentally and physically, according to U.S. officials. Only two out of five Negroes qualify for the armed forces under existing regulations. Most of the rest fail the mental portion of the armed forces' qualification test.

Only a few of the more recent veterans have had adequate civilian job experience. Government labor experts estimate that eight out of 10 could benefit from more education or training before they look for jobs.

Government figures show that today's Negro veterans earn substantially higher incomes than other Negroes. For Negro ex-servicemen, the median family income is $4,557. For families headed by a Negro who is not a veteran, the median income is $3,610.

In Chicago, Russell Jeter, 23, has the training and the education. He has everything but a job. Jeter, a bachelor and a graduate of Dunbar Vocational High School, was a radio repairman in the Mekong Delta for the 588th Signal Co., where he supervised 14 men on a 240-foot communications tower.

Somehow, his training has not carried over into civilian life. Not long after his discharge, he took a test for a radio repairman at a nationally known electronics firm. A company official told him he had passed the test and asked him to come back in a few days to discuss a job opening. When he returned, another official told him the only job available for him was as a plant guard.

TRYING TO HOLD OUT

"They made it sound real good," said Jeter. "The guy who offered me the job thought he was doing me a real favor. He thought I'd take the job. He called someone up on the telephone while I was in his office and said, 'I've got a man for that security job.' When he hung up, I told him no. He looked hurt—like I wasn't supposed to turn down this wonderful job at $80 a week. I was making more than that fixing radios before I went into the service."

Jeter also has been offered jobs as a stock clerk, truck driver, and general factory worker. But they all offer little money and no future.

"I'm trying to hold out," says Jeter. "I'm trying to hold out before I take something I don't want and wind up with it forever . . . You would think that people would have a little sympathy because you have been to Vietnam and taken chances with your life. But they don't understand."

Like Jeter, Marvin Townsend, a 22-year-old former Marine from Chicago, finds civilian life more difficult, but for different reasons.

Townsend was injured in Vietnam. The vision in one eye is gone and three fingers are missing from his crippled left hand.

"It's hard, it's hard, when you walk in those (business) offices," he says. "I've tried out for at least 20 jobs. They talk to you and give you the impression you have the job, but nothing comes of it."

GETS DISABILITY PAY

Meanwhile, Townsend and his pregnant wife are living with his parents. His training as an administrative clerk at Quantico, Va., has not helped him find a civilian job. He gets $233 a month disability pay.

Edward Woods, the veterans' affairs coordinator for the Chicago Urban League, has been trying to assist both men in finding jobs.

"It's the same old story," says Woods, an aggressive, no-nonsense former Army sergeant. "A guy has been performing a job in the military well enough to receive a promotion. But someone will say he is not qualified when he applies for a civilian job. He can have all the training and the education he can get. But the worst handle is this—he can't change his color."

But many of Woods' efforts to find jobs for Negro servicemen end in success.

As a result of his direct referral, Charles Walker, 24, is now earning $450 a month while in training as a customer engineer for International Business Machines.

Walker, whose girl friend is in training as a ground hostess for Trans World Airlines, said that of the 19 students in his class, 15 are Negro. Most of the Negroes, he said, are former servicemen.

Walker attended the University of Illinois for two years before he was drafted into the Army in 1965. He went to Vietnam later that year.

He proudly displays a certificate for meritorious service for spearheading a counter-attack in Phu Lai.

Early last year, he was sent back to the United States, then transferred to Germany for five months before returning home and completing his tour of duty in September.

DETERMINATION

The self-assured, dapper Walker came home from Germany with seven tailor-made double-breasted suits, $1,200 and a lot of hope.

"I was determined to do something and get something," he said. "I was determined I was not going to accept what was beneath me before my money ran out.

"I was lucky. I had the money and the determination to wait until the right opportunity came along. A lot of guys aren't that lucky. They have the determination. But they don't have the money. And so they have to take the first thing that comes along."

Walker feels that some Negro veterans come out of the service in Vietnam with the wrong attitude.

"Some guys feel that just because they have been to Vietnam that something should be handed to them," he says. "But I don't feel that way. It's like starting a new life when you get out. You have to prove yourself all over again."

THE NEGRO AT WAR—MY COUNTRY RIGHT AND WRONG

(By Paul Hathaway)

For most Negro soldiers in Vietnam, it is not a case of "My Country, Right or Wrong," but "My Country, Right and Wrong."

They see America as a land of cruel paradoxes, conflicting commitments and shifting priorities.

They see the war as theirs and yet not quite theirs, and democracy as something that is in their presence, yet not within their grasp.

In one breath, a Negro soldier can accuse his country of using him for cannon fodder and yet defend its right to be in Vietnam. Another black soldier called this a racist white man's war against non-white people and yet called for the virtual extermination of the Vietnamese people as a useless drag on humanity.

A Negro officer can talk about his country's commitment in Vietnam and yet accuse it of running out on its obligations to the black man.

Another said his promotions have come on the basis of merit, but added that he never would have received them if he had not been "a good Uncle Tom."

VOICES FAMILIAR

All the contradictions that the Negro sees in this country, he takes with him to Vietnam.

The black voices heard by a reporter in Vietnam are familiar. They come from ghetto street corners, slum hallways, Muslim Mosques and welfare centers.

In Cam Ranh Bay, Air Force Sgt. Vincent Thomas of Camden, N.J., spoke passionately of the need for the United States to fulfill its commitment to the South Vietnamese people and criticized protests against the war.

"I think the people who demonstrate against the war don't really understand it," said Thomas. "The people over here have nothing, nothing but themselves—and they're not even sure of that. I feel that as

an American citizen I am just as committed to fighting in this war as any white soldier. Who am I to walk out on my country?"

Then he added, almost parenthetically, that when he completes his tour of duty with the Air Force next year, he will not return to the United States but go to Japan, where he was stationed before coming to Vietnam.

"I can't face it, man," said the jockey-sized Thomas. "The whole thing makes me sick. You ought to be in Japan, live in Asia, hear what people in Asia say about the United States. . . . I've been to Hiroshima. I've seen what the bomb did to those people and that city. I've heard people in Japan talk about the people in Hiroshima as though they were infected or something. Do you think that's because of the bomb? No. Not really. It's because the Americans dropped it—like we, not the bomb, were the people that infected them. Man, you ought to hear the way they talk about Americans. I mean, white Americans."

WHY COME BACK?

He thought about his friends back in Camden who, like many Negro soldiers, have been found ineligible for the service because of mental or physical inadequacies.

"I went home once," he said. "They were hanging around pool rooms and bars, going nowhere, doing nothing. I saw a little of myself in them and it scared me. I know I'll never go back now.

"Why fight it? Why go back? This guy won't give you a job. That guy won't give you a break. Too much. I'd rather stay in Japan. There I'm equal. I would rather live some place else than be discriminated against in the country I was born in. That's what hurts most."

He thought for a minute. "Do you know something? In all the time I have been in Japan (three years), no one ever called me nigger. And I know the Japanese word for it, too."

For others, there is another kind of ambivalence.

In Pleiku, Air Force Sgt. Hiram Springle, 21, a communications specialist from Thomasville, Ga., deplored the protests against the Negro's participation in the war.

Once he saw the poverty in Vietnam, says Springle, it was difficult to criticize the United States decision to remain there.

CAN'T PULL OUT

He'd always had a feeling for poor people, he said. He'd seen a lot of poverty himself back home: he had lived in it.

"We can't pull out," he said. "After all, we told the man (the South Vietnamese) we were going to help him. We have a commitment. But I keep thinking of the shame of it all. I read Stars and Stripes over here every day and I look through the list of names of kids who have been killed in action. It seems a shame.

"Sometimes I run across the name of a kid I knew back home. Sometimes I see the name of someone and I just have a feeling that they're colored. Because of the name or the town or something. I see these names and I just keep thinking of them dying here. I keep thinking they died without ever experiencing freedom really. All they knew was what it was to be black and be ridiculed."

It was unfortunate that the United States gave priorities to conflicts beyond its own boundaries, he said.

"Today we're worrying about what we didn't do in Vietnam before. Next year we'll be worrying about what we didn't do in civil rights this year. That's the crazy kind of world it."

In a bar in the Mekong Delta, a black soldier from Chicago lectured four dubious Negro friends about the morality of the United States involvement in Southeast Asia. There was no doubt, he said, that the U.S. either would have to fight in Vietnam or else be forced to defend the Philippines, Australia or even the United States.

"The Negro has as much stake in this war as anyone else," he argued. "If the Communists ever took over our country, they'd take our freedom, too."

LECTURE FORGOTTEN

The conversation shifted to weaponry and the shipment of several new truckloads of guns to Can Tho that day.

"Man, when I saw those guns, I got kind of scared," he said, forgetting his lecture. "I'll bet this summer when the riots start, I can just see tanks and those guns going right into my block. Down everybody's block where there's a riot. They'll just wait for us to make a move and blow us down."

"Do you know what?" one friend laughed. "You just ruined your whole argument right there."

But the first soldier insisted that he had not. He was talking about two different things, he said.

Army Maj. Louis White, 34, of Norfolk, Va., said in Nha Trang that he feels the Negro soldier, once he returns home, can be a force in the community regardless of his views on the war or on the service.

"He is respected in the community," said White. "He can either be a source of pride or discontent. If he was satisfied that his experience was a worthwhile one, then I see no trouble. If he was not, then look out. There'll be trouble, I'm afraid."

He recalled one night in Cam Ranh Bay when a drunken Negro soldier's voice filled the street.

"He was shouting about the war and about how he had been treated and what he was going to do when he got back, what he was going to do to make whites listen to him. Everybody tried to walk past him as though they weren't listening. But you could see that they were. They were listening. I'm sure of that."

MORE CAMPAIGNERS DUE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD the following items:

A news story in today's Washington Star entitled "1,500 More Poor Due Today as March Problems Rise";

A Washington Star news story today entitled "Bevel Visualizes a Utopian Camp"; and

An article which appeared in the May 3, 1968, edition of the Charleston W. Va., Gazette entitled "School Patrol Capital Trips Are Canceled."

There being no objection, the items were ordered to be printed in the RECORD as follows:

[From the Washington Star]

1,500 MORE POOR DUE TODAY AS MARCH PROBLEMS RISE

(By Charles Conconi and Woody West)

Some 1,500 Poor People's Campaigners were to arrive here today to join about 500 who spent a damp night in Resurrection City. The new arrivals will gravely compound problems of housing, finances, and some dissatisfaction among participants, Southern Christian Leadership Conference officials conceded.

The Midwest contingent of 25 buses and about 1,000 persons was to arrive here from Pittsburgh today. SCLC officials said a 500-person caravan left Chicago sometime yesterday, intending to drive straight through to Washington.

SCLC said the arrivals from Pittsburgh would be billeted in churches in Montgomery County for screening before being sent on to the campsite beside the Reflecting Pool.

The 500 from Chicago were to be handled at reception centers in District churches where the first contingent from the South was accommodated before beginning the move to Resurrection City.

DENY ANY WANT TO LEAVE

SCLC officials today denied reports that 50 to 75 of the first 500-man group had indicated they wanted to return home. They admitted there was some dissatisfaction but asserted that it was not serious.

The Rev. James Bevel, who yesterday gave a reporter from The Star the 50 to 75 figures, later said that "it's a lie." Other SCLC sources said that only about 17 have said they want to go home. There has been no announcement of any participants who might have already left for home.

Early this morning, a light drizzle fell at the campsite, and heavy overcast obscured the top half of the Washington Monument. Few of the campers were stirring in the damp as four marshals patrolled the boundaries of Resurrection City.

The Rev. Ralph David Abernathy, who yesterday morning met with about 70 House and Senate members to discuss goals of the campaign, left Washington yesterday for a swing through the West and Southwest to try and drum up financial support for contingents of Mexican-Americans and Indians who are seeking to come to the Nation's Capital.

SEES FEARS ALLAYED

After the meeting in the Rayburn Building, Sen. Edward Brooke, R-Mass., one of the four legislators who arranged the session, said he felt that Abernathy had allayed the fears of many members of Congress that the poor people were here to threaten that body.

Abernathy, successor to the Rev. Dr. Martin Luther King Jr., as SCLC leader, said after the meeting, "We hope it will not be necessary to progress to civil disobedience. . . ."

Abernathy in the closed meeting denied any plans to block bridges leading into the District, Sen. Charles Percy, R-Ill., said afterwards. Question about SCLC plans to disrupt government operations, however, also were put to Abernathy. "I don't think the answers were too satisfying," Percy said.

SCLC has said repeatedly that massive civil disobedience will be practiced if Congress and the administration do not react to demands to end unemployment and underemployment and provide a guaranteed annual wage.

Rep. Clarence Long, D-Md., praised Abernathy's comments as "conciliatory" but said the programs demanded would cost an "impossible" $30 to $50 billion a year. "The fact is that the average congressman is ahead of the American people on these issues."

Brooke and Abernathy after the meeting expressed the opposite feeling—that the people were ahead of Congress.

Rep. Roman Pucinski, D-Ill., said the answers to poverty problems cannot be found on The Mall. He said Congress has passed and funded wide-ranging programs and advised the poor people to ask local officials why there were not working.

SCLC said it is moving to plug the gaps created by homesickness and boredom among those in Resurrection City, and said recreation and entertainment programs were to start today.

At a rally last night in the big blue, double-domed tent being used as a messhall and meeting area, a show of hands of those wishing to return was called for. Only one old man put up his hand, amid shouts of "Uncle Tom."

NOT A BIG PROBLEM

As to the dissatisfaction, one SCLC official said, "It was to be expected that there would be some, but we consider the number very insignificant and not a big problem."

Money, a chronic problem for SCLC, continued to threaten plans of the campaign although officials remained confident that financing would be found.

"If we don't get more money, we'll have to stop construction" of Resurrection City, the Rev. Bernard Lafayette said yesterday. Of 650-odd A-frame, plywood and canvas structures planned, about 115 were completed sub-

stantially late yesterday, with 40 to 50 more under way.

Several area firms supplying material to the Poor People's Campaign, it was learned yesterday, have asked advance payment in the form of certified checks.

Resurrection City, under terms of the federal permit that runs until June 16, can hold only up to 3,000 persons.

The Northest contingent of the campaign—about 750 persons—spent last night in Wilmington, Del.

TWO BALTIMORE PARADES

It was scheduled to move on to Baltimore today, spend the night and push on to Washington tomorrow.

Baltimore officials have issued permits for two parades—today and tomorrow—the Baltimore Sun reported. City officials earlier had offered to house the marchers in Memorial Stadium, but SCLC officials there said there were no plans to use the stadium.

Tomorrow's parade is to begin about 10 a.m., after which the demonstrators will board buses for Washington, the Sun reported.

The Southern section was to leave for Durham today after spending the night in Greensboro, N.C. About 475 persons are in this contingent.

Stops are planned in Norfolk and Richmond tomorrow and Saturday, with the move on to Washington set for Sunday. Richmond SCLC officials said they are expecting about 800 finally to arrive there, revising their figure from a previous 1,200.

ABERNATHY IN OAKLAND

Abernathy, meanwhile, was in Oakland, Calif., to seek funds for groups from the West and Southwest. He declared again that nonviolence still is the keystone of the campaign, but added that if there is no response, demonstrations will be "accelerated," first on a minor scale and progressing to greater militancy.

Bevel was quoted yesterday as saying that demonstrations would begin "probably within five to seven days," but he would not elaborate.

The press and spectators have been barred from the campsite except for several hours in the afternoon. Bevel at an afternoon news conference said the city had provided an "excellent" medical staff and that about 100 persons already have received physicals.

Asked what SCLC would do if the West Potomac Park site were found to be too small to hold all the demonstrations, Bevel said, "Our city will expand in terms of its need . . . if land is not being used, we'll use it."

Mayor Walter E. Washington paid a brief visit to the campsite yesterday, at least his second this week. He said after a quick inspection tour that he was satisfied that all human needs are or will be met and said he was happy that the campaigners have been "monitoring themselves" so far.

ROCKEFELLER'S VIEW

Gov. Nelson A. Rockefeller said yesterday in Pittsburgh that the Poor People's Campaign "Is just a new form of lobbying."

The GOP presidential candidate said that it "Brings into focus" the problems of poverty and presents a "challenge to the country to find out how to bring these people into the economic mainstream so they can share in its benefits."

But a fellow Republican House Minority Leader Gerald Ford said yesterday in New Jersey that Congress "will not be blackmailed into doing something that we would not do without pressure," although he added that the campaigners "have a right" to be in the Capital.

The 15-wagon mule train—the symbol of the Poor People's March—is continuing to plod along in Mississippi, making about 10 to 14 miles a day. Plans reportedly are to load the animals and wagons aboard trucks so they will be here by Monday when the various contingents are expected to have assembled.

[From the Washington Star]

FIRST "TOWN MEETING"—BEVEL VISUALIZES A UTOPIAN CAMP

(By Michael Adams)

Resurrection City will be a utopia of goodness, beauty and intelligence if the Rev. James Bevel has his say.

Bevel is a top aide to the Rev. Ralph D. Abernathy. Last night he was a principal speaker at Resurrection City's first "town meeting."

"We're going to have a great city," he said. "We're going to have a great time. We're all going to go away from here wiser than when we came.

"What we are going to do is get the record straight on this continent so human beings can live here," he said.

"We are the creators and the lovers."

A GIANT PIECE OF DRAMA

Bevel told the more than 800 persons gathered in a large dining tent that the whole Poor People's Campaign and its interaction with official Washington is, in fact, a giant piece of drama, "the most important drama on earth."

"Some of the policemen are going to come over here and feel they have to exercise their authority," he said, "but don't get upset with them. That's part of the play.

"We're not here because we just want to raise hell," he said. "We are here because unless the black people and the white people turn their economy around, the black people are going to be the victims of genocide."

When the town meeting was originally scheduled, it was assumed by many that the session would be used to institute a form of government for the new community near the Reflecting Pool.

Bevel said that community leadership decisions would be made after all those journeying to the city have arrived.

The town meeting started off with the air of an old-time revival meeting or a civil rights gathering in the earlier days of the movement.

A sense of exuberance was evident in the crowd as the Rev. Frederick Douglass Kirkpatrick strummed his guitar and led the predominantly young gathering in singing "Oh Freedom" and other civil rights songs.

The emotional temper reached an even higher level later when the Rev. Albert Sampson of the Southern Christian Leadership Conference staff extolled, preached and exhorted the crowd for more than an hour.

"Just to set the record straight," he said, "we are not here to stay. We're here to do business. We understand how whites work. We've lived with you for 300 years."

GOD'S UNIVERSE

Repeatedly he returned to the theme that "this is God's Universe," and that the white man is breaking God's law by claiming to own most of it.

"You put the Indians on the reservations and called them savages," he said. "You put the Negro on the plantations and called him nigger; you put the Vietnamese in the ocean and called them communists.

"God knew," said Sampson, "that sometime in history, the people would have to go to Washington . . . there is a famine in the land. We say, (President) Johnson, here's malnutrition in Cabin Number 9; here's deprivation in Number 11."

Sampson said: "We ain't going back to Marks, Miss., without a written contract in our hands (that things in America will change).

"We ain't what we ought to be. We ain't what we were yesterday. Thank God, we're going to make white people what they ought to be."

Bevel said that all persons living in the camp would have to work to make his concept of Resurrection City come true. He talked of establishing departments of sanitation, education and other municipal functions.

"But we won't have any violent relationships here," he said. "In our city, we recognize that each individual is sacred and is a student. We must all learn, no matter how old."

[From the Charleston (W. Va.) Gazette]

SCHOOL PATROL CAPITAL TRIPS ARE CANCELED

The two school patrol trips to Washington, D.C., have been canceled by the Southern West Virginia Auto Club because "conditions in the nation's capital are not conducive to large gatherings."

Club President George W. S. Grove Jr. said this is the first cancellation since the club began sponsorship of the patrol trips in 1936.

The first trip was scheduled for May 10–12 and the second for May 17–19. About 2,055 students applied.

Grove said liability insurance issued for children on the trips wouldn't cover injuries received in a civil disturbance.

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11308.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PELL, Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. JAVITS, and Mr. MURPHY conferees on the part of the Senate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate I move, in accordance with the order previously en-

tered, that the Senate stand in adjournment until 12 o'clock tomorrow.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 17, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 16, 1968:

NATIONAL SCIENCE FOUNDATION

The following-named persons to be members of the National Science Board, National Science Foundation, for a term expiring May 10, 1974:

Philip Handler, of North Carolina, reappointment.

Harvey Brooks, of Massachusetts, reappointment.

Norman Hackerman of Texas, vice Rufus E. Clement, deceased.

Frederick E. Smith, of Michigan, vice Henry Eyring, term expired.

R. H. Bing, of Wisconsin, vice Katharine Elizabeth McBride, term expired.

William A. Fowler, of California, vice Edward James McShane, term expired.

Grover Murray, of Texas, vice Edward Lawrie Tatum, term expired.

James G. March, of California, vice Ralph Winfred Tyler, term expired.

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Tharold O. Galloway, Armorel, Ark., in place of G. M. Vinson, retired.

CALIFORNIA

Wanda J. Robertson, Cantua Creek, Calif., in place of V. M. Norton, retired.

Larelda G. Heim, Silverado, Calif., in place of I. M. Odem, retired.

DELAWARE

Joseph L. Marshall, Lewes, Del., in place of A. L. Brittingham, deceased.

IOWA

Robert L. Kerkvliet, Larchwood, Iowa, in place of B. F. Snyder, transferred.

Keith W. Davis, Malcolm, Iowa, in place of P. D. Varnum, transferred.

KANSAS

Geraldine M. Samms, Sylvia, Kans., in place of D. L. Long, resigned.

KENTUCKY

Noah C. Adkins, Jackson, Ky., in place of J. T. Allen, retired.

Elizabeth W. Meredith, Smiths Grove, Ky., in place of W. H. Meredith, deceased.

MAINE

Wilfred A. Weed, Deer Isle, Maine, in place of L. C. Weed, deceased.

MARYLAND

Randolph L. Wallace, Cecilton, Md., in place of M. B. Boulden, retired.

MASSACHUSETTS

Russell A. Pejouhy, Jr., North Pembroke, Mass., in place of E. H. Turner, retired.

MICHIGAN

Homer L. Blamer, Atlanta, Mich., in place of Waldo Whitehead, retired.

Elwood F. Barkkari, Chassell, Mich., in place of J. H. Sauvola, retired.

Thomas S. Dzarnowski, Gaastra, Mich., in place of W. M. Duff, retired.

Thomas A. Greene, Kinde, Mich., in place of M. L. Yaroch, retired.

Sidney D. Reinbold, Pellston, Mich., in place of Paul Grobaski, retired.

Benjamin L. Bement, Webberville, Mich., in place of H. H. Johns, deceased.

MINNESOTA

John F. Hughes, Marble, Minn., in place of C. J. Passard, retired.

NORTH CAROLINA

Mamie B. Hartman, Advance, N.C., in place of G. T. Ratledge, retired.

Frances J. Dennis, Star, N.C., in place of A. E. Maness, retired.

OHIO

Darrel I. Kesselmayer, Holgate, Ohio, in place of C. E. Archambeault, retired.

OREGON

Bessie E. Wells, Merlin, Oreg., in place of R. I. Lendberg, retired.

PENNSYLVANIA

Wilma J. Lacey, Buena Vista, Pa., in place of H. E. Schwirian, resigned.

Henry A. Hebda, Kane, Pa., in place of V. N. Deane, transferred.

Basil A. Freeman, Port Allegany, Pa., in place of E. W. Anderson, retired.

SOUTH DAKOTA

Virgil K. Djonne, Clear Lake, S. Dak., in place of R. L. Chambers, retired.

Warren W. Sinkler, Wood, S. Dak., in place of E. A. Sinkler, retired.

TEXAS

Elizabeth R. Griffis, Italy, Tex., in place of G. F. Sheppard, retired.

Thomas J. Leatherwood, Sr., Tyler, Tex., in place of F. M. Bell, deceased.

David M. Sears, Wolfforth, Tex., in place of C. D. Gamble, resigned.

WEST VIRGINIA

Robert L. Noll, Martinsburg, W. Va., in place of M. S. Eckerd, deceased.

George A. Biggs, Point Pleasant, W. Va., in place of O. K. Burdette, retired.

WISCONSIN

Roland L. Holtz, Algoma, Wis., in place of Q. M. Groessl, retired.

WYOMING

John D. Tennant, Rock Springs, Wyo., in place of S. A. Grobon, deceased.

EXTENSIONS OF REMARKS

SALUTE TO SMALL BUSINESS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1968

Mr. JOHNSON of California. Mr. Speaker, this week we are celebrating National Small Business Week, saluting this Nation's small businessmen. And indeed, we should salute the small business community.

People in public office are prone to take the credit when times are good. But I think that all of us in Congress can appreciate that credit for the matchless prosperity we have enjoyed for the past 86 months belongs as much—if not more—to the private sector than to the public agencies. A lion's share of the credit rightfully belongs to the small businessmen of the United States.

There are good reasons why I feel this is so.

There are more than 5 million small businessmen in this country;

They make up 95 percent of all American businesses;

These small businesses employ four out of 10 of all our wage earners;

And they provide family income for more than 75 million Americans.

Such is the prominent place small business occupies in our economy.

And in a nation whose very beginning sprung from the concept of individual initiative and free enterprise, the dream of being one's own boss is still strong and bright.

In an age where big corporations have developed and mergers are the order of the day, small business faces many critical problems. Congress—knowing the right of the individual to own his own business and pursue his dream must be protected—created the Small Business Administration, charging the agency to preserve and expand free enterprise.

The Small Business Administration is fulfilling the mandate of Congress. The spirit of the agency is one of dedication to its goals; of seeking new ways to combat the ever-changing problems inherent in a rapidly expanding country.

The agency has made $5.3 billion available to more than 117,000 borrowers through its financial assistance programs—regular business loans, economic opportunity loans for businessmen in poverty-stricken areas, local development company loans, displaced business loans for companies forced to move because of federally aided projects, disaster loans. And about 42 percent of the $5.3 billion—$2.2 billion—came from the private sector.

SBA's local development company loan program, which has assisted more than 1,500 projects principally in smaller communities across the country, has produced more than 64,000 jobs since the program began in 1958. It is easily conceivable those jobs are now putting $300 million a year into the economy.

The Small Business Administration programs are not confined, as many might think, to the urban areas alone. In fact, SBA activity in rural communities has increased substantially since 1963.

President Johnson has said:

> Not just sentiment demands that we do more to help our farm and rural communities . . . the welfare of this Nation demands it.

The Small Business Administration has responded to the challenge. And not only through financial assistance.

For communities far away from an SBA regional office, circuit riders make regular trips to advise local businessmen